

# KASHMIR

1947-1956

EXCERPTS FROM  
PRIME MINISTER NEHRU'S SPEECHES.



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1947—1956

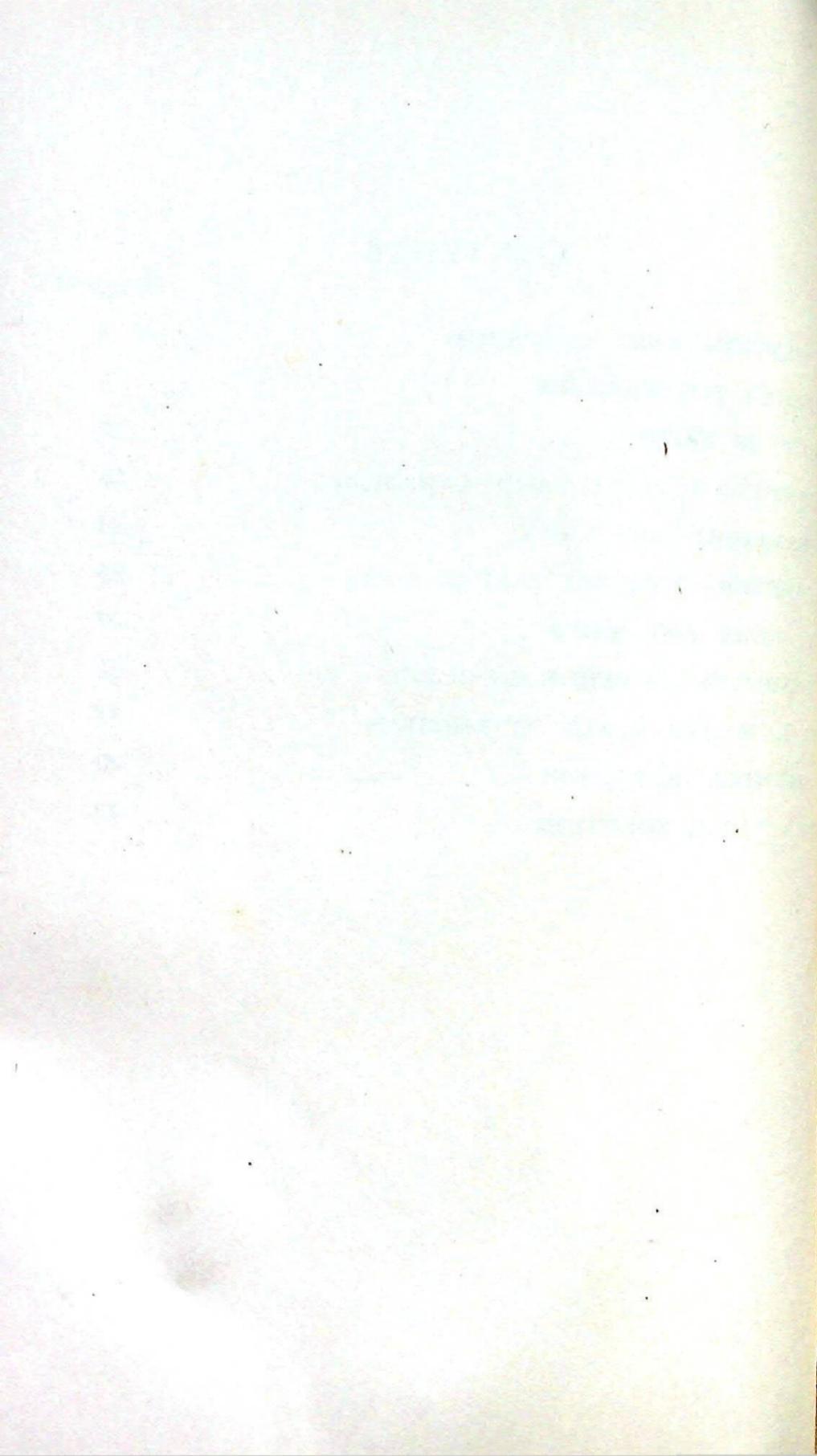
EXCERPTS FROM  
PRIME MINISTER NEHRU'S SPEECHES

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## CONTENTS

|                                 | <i>Page</i> |
|---------------------------------|-------------|
| COERCION AND AGGRESSION         | 5           |
| INDIA'S FORBEARANCE             | 8           |
| ACT OF FAITH                    | 12          |
| PAKISTAN'S DENIAL AND ADMISSION | 16          |
| PERVERSION OF FACTS             | 23          |
| KASHMIR—INTEGRAL PART OF INDIA  | 25          |
| KASHMIR AND INDIA               | 27          |
| KASHMIR'S ACCESSION COMPLETE    | 32          |
| U. S. MILITARY AID TO PAKISTAN  | 37          |
| FRIENDLY APPROACH               | 40          |
| PRACTICAL SOLUTION              | 45          |



## COERCION AND AGGRESSION

The House is aware that on the lapse of Crown Paramountcy on August 15 this year, Kashmir did not accede to either Dominion. We were of course vitally interested in the decision that the State would take. Nevertheless, we did not put the slightest pressure on the State to accede to India because we realised that Kashmir was in a difficult position. We did not want a mere accession from the top but an association in accordance with the will of her people.

We learnt later that serious external pressure was being applied on Kashmir by the Pakistan authorities refusing to send to Kashmir supplies vital to the needs of the people, such as food-grains, salt, sugar and petrol. Thus, an attempt was being made to strangle Kashmir economically and force her to accede to Pakistan.

In September, news reached us that tribesmen of the North West Frontier Province were being collected and sent to the Kashmir border. In the beginning of October events took a grave turn. Armed bands moved into the Jammu Province from the neighbouring districts of West Punjab, committed serious acts of depredation on the local inhabitants, burnt villages and towns and put a large number of people to death. The raiders were highly organised, had competent officers and modern arms.

On October 24 we heard that large armed bands consisting both of tribesmen from the Frontier and ex-servicemen had broken through Muzzafarabad and were marching to Srinagar. They had crossed Pakistan territory and were

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From a statement made in the Constituent Assembly (Legislative),  
New Delhi, November 25, 1947.

equipped with Bren guns, machine guns, mortars and flame-throwers and had at their disposal a large number of transport vehicles. They moved rapidly down the Valley, sacking and burning and looting all along the way. They had been stopped for two days near Uri by the State forces under a gallant commander who resisted this advance to the point of death.

It was clear to us that we could not possibly accept under any circumstances the ruin of Kashmir by brutal and irresponsible raiders. This would have been a surrender to frightfulness and fanaticism of the worst type and it would have had the most serious consequences all over India. To intervene at this stage was no easy matter and was full of risks and danger. Yet we decided to face this risk and intervene because any other course would have meant ruin to Kashmir and greater danger to India.

The facts [of the military campaign that followed] are well known and redound to the credit of our military organisation, our troops and airmen. The civilian population completely unarmed and with the enemy within a few miles of the city, behaved in a manner which showed extraordinary courage and coolness.

I need only say that I am completely convinced that every action that the Government of India have taken in regard to Kashmir has been straight and above board and I can defend it at any time before the world. We have indeed been over-scrupulous in this matter so that nothing may be done in the passion of the moment which might be wrong. The behaviour of our army has all along been good and worthy of our traditions.

I cannot say this of the Pakistan Government . . . . We have sufficient evidence in our possession to demonstrate that the whole business of the Kashmir raids both in Jammu province and in Kashmir proper was deliberately organised by high officials of the Pakistan Government. They helped the tribesmen and ex-servicemen to collect, supplied them with the implements of war, lorries, petrol and officers. They are continuing to do so. Indeed, their high officials openly declare so. It is obvious that no large body of men could

cross Pakistan territory in armed groups without the good-will, connivance and active help of the authorities there.

It is impossible to escape the conclusion that the raids on Kashmir were carefully planned and well organised by the Pakistan authorities with the deliberate object of seizing the State by force and then declaring accession to Pakistan. This was an act of hostility not only to Kashmir but to the Indian Union. It is only necessary to see the semi-official organs of the Muslim League and the Pakistan Government to find out the attitude of that Government. If we had allowed this scheme to succeed, we would have been guilty of the betrayal of the people of Kashmir and of a grave dereliction of duty to India.

The Pakistan Government have proposed a simultaneous withdrawal of our forces and the raiders from Kashmir. This could only mean that the raiders were there at the instance of the Pakistan Government. We cannot treat with free-booters who have murdered large numbers of people and tried to ruin Kashmir. They are not a State, although a State may be behind them. We have gone to Kashmir to protect the people and as soon as this duty is discharged our forces need not remain there and we shall withdraw them. We cannot desert the people of Kashmir till the danger is passed. If the Pakistan Government are sincere, they can stop the entry of these raiders and thus accelerate the return of peace and order.

The issue in Kashmir is whether violence and naked force should decide the future or the will of the people. The raiders, encouraged by Pakistan, have sought to enforce by the sword accession to Pakistan against the obvious wishes of large numbers of the people in Kashmir.

## INDIA'S FORBEARANCE

I have previously, on several occasions, placed before the country the facts relating to Kashmir ever since we sent our troops to Kashmir on October 27, 1947. Our troops succeeded in saving the valley of Kashmir and the city of Srinagar and drove back the enemy to Uri along the Jhelum Valley road.

Since then, fighting has taken place on a large front along almost the entire border of the Kashmir State and Pakistan. Very large numbers of armed men, in battle formation and fully equipped with modern arms, have entered Kashmir State territory at many places, and still larger concentrations of these men have been made along the border on the Pakistan side.

These border areas of Pakistan have become the base of operations for these invaders and, from the security of these bases, large numbers come across and raid, burn and loot on Kashmir State territory which is Indian territory.

The Government of India would have been justified, in self-defence, to strike at the bases and thus put an end to the sources of supply of these invaders. It has, however, scrupulously avoided doing this, so as to limit the field of operations and in the hope that the Pakistan Government will cease aiding and abetting these invaders.

During the last two months repeated requests have been made to the Pakistan Government to prevent the use of its territory for aggression on India. It has not only not done so, but it is an established fact that these invaders, among whom are a large number of Pakistan nationals, have been helped in every way by the Pakistan Government.

They are allowed transit through Pakistan territory by

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From a statement made at a Press Conference, New Delhi,  
January 2, 1948.

motor transport and railway trains, and supplied with petrol, food and accommodation; the arms they possess are manifestly the arms of the Pakistan Army. Pakistan Army personnel have also been captured by our troops in the operations in Kashmir.

Not only has the Pakistan Government not taken effective steps to prevent this invasion, but it has refused to call upon the invaders to desist from their active aggression.

The Government of India cannot tolerate the use of a friendly and neighbouring country for the invasion of Indian territory but, in its desire to avoid any action, unless it is compelled by circumstances to take it, it has decided to refer this matter to the Security Council of the United Nations.

On December 22, 1947, a formal request was made in writing to the Prime Minister of Pakistan. In this letter, the acts of aggression of Pakistan and the forms of aid given by Pakistan to the invaders were briefly stated and the Government of Pakistan was asked to call upon Pakistan nationals to cease participating in the attack on the Jammu and Kashmir State and to deny to the invaders: (1) all access to and use of Pakistan territory for operations against the Kashmir State; (2) all military and other supplies; (3) all other kinds of aid that might tend to prolong the present struggle.

The Government of India expressed its earnest desire again to live on terms of friendship with Pakistan and hoped that its request would be acceded to promptly and without reserve. It pointed out, however, that failing such response, it would be compelled to take such action, with due regard to its rights and obligations as a member of the United Nations, as it might consider necessary to protect its own interests and those of the Government and people of Jammu and Kashmir State.

As no reply was received to this formal request, two reminders were sent. Ultimately, on December 30, 1947, a formal reference was made to the Security Council of the United Nations through the representative of the Government of India with the United Nations. On December 31,

1947, a copy of this reference was sent by telegram to the Pakistan Government.

This reference stated the facts of the case and said that they indisputably pointed to the following conclusions:

- (a) that the invaders are allowed transit across Pakistan territory;
- (b) that they are allowed to use Pakistan territory as a base of operations;
- (c) that they include Pakistan nationals;
- (d) that they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and
- (e) that Pakistan officers are training, guiding and otherwise helping them.

There was no source other than Pakistan from which such quantities of modern military equipment, training and guidance could have been obtained. The Government of India requested the Security Council, therefore, to ask the Government of Pakistan :

- (1) to prevent Pakistan Government personnel, military and civil, participating in or assisting the invasion of the Jammu and Kashmir State;
- (2) to call upon other Pakistan nationals to desist from taking any part in the fighting in the Jammu and Kashmir State;
- (3) to deny to the invaders : (a) access to and use of its territory for operations against Kashmir; (b) military and other supplies; (c) all other kinds of aid that might tend to prolong the present struggle.

The reference to the Security Council is thus limited to the matters mentioned above and the first step that must be taken is to put a stop to the fighting and this can only be done if the invaders withdraw. It must be remembered that all the fighting has taken place on Indian Union territory and it is the inherent right of the Government of India to drive back any invaders on its territory. Till the Kashmir State is free of the invaders, no other matter can be considered.

The Government of India deeply regrets that this serious crisis has arisen. It is not of its seeking, and it has been thrust upon it by invading armies from outside, who have committed acts of barbarism against the inhabitants of the Kashmir State and destroyed and burnt a large number of villages and some towns. In its desire to avoid any act which might lead to further complications, it has shown the greatest forbearance and made repeated appeals to the Pakistan Government. Those appeals have been in vain, and hence it decided to refer this particular question to the Security Council. It has naturally reserved to itself freedom to take such action in self-defence as the situation may require.

The Kashmir issue stands by itself. If the methods of invasion of friendly territory by a barbarous foe are encouraged and submitted to, there is no future either for India or for Pakistan and therefore this has to be and will be resisted by us to the utmost, and the Kashmir State will have to be freed completely. Even from the narrowest viewpoint of self-interest, the Government of Pakistan should realize that the encouragement of such an invasion is perilous to its own future, because, once the forces of unbridled violence are let loose, they endanger the whole security of any State.

It must be remembered that in Kashmir there is no communal issue as such. Large numbers of Kashmiris, Muslims, Hindus and Sikhs are fighting the invaders. It is a national issue for them to preserve their freedom and we have gone there to support them. We have pledged our honour to them and we shall stand by our pledge.

## ACT OF FAITH

...this struggle in Kashmir, although it has brought great suffering in its train to the people of Kashmir and placed a burden on the Government of India and the people of India, nevertheless it stands out as a sign of hope that there we see a certain co-operation, combination and co-ordination of certain elements, Hindu and Muslim and Sikh and others on equal level, and for a political fight for their own freedom. I wish to stress this because it is continually being said by our opponents and critics that this is a communal affair and that we are there to support the Hindus or the Sikh minorities as against the Muslim masses of Kashmir. Nothing can be more fantastically untrue. We could not for an instant send our armies and we would not be there if we were not supported by very large sections of the population, which means the Muslims of Kashmir. We would not have gone there in spite of the invitation of the Maharaja, if that invitation had not been backed by the representatives of the people of Kashmir and in spite of our armies having functioned with great gallantry, they could not have succeeded except with the help and co-operation of the people of Kashmir.

One of the conditions that we made at that critical moment, when we had to decide whether to send the Indian Army or not, whether to accept accession or not, was that there must be a popular government there, not as a goal and an ideal, but immediately and it was given effect to.

The men and women of Kashmir, who are with us and who are fighting for their freedom and liberty are not new-

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From a statement made in the Constituent Assembly (Legislative),  
New Delhi, March 5, 1948.

comers in the struggle for freedom; for the greater part of a generation, they have fought for the freedom of Kashmir; they have suffered for it and some of us have deemed it a privilege to be associated with them in this fight for the freedom of Kashmir. These people are with us today.

Who are their opponents, who are against them in Kashmir or elsewhere? What has been the record in the past ten, twenty years in regard to the freedom of Kashmir? It is an interesting speculation and an interesting inquiry because these gentlemen who talk about the autocracy of the Ruler of Kashmir, what did they do during these last ten, twenty years? They never fought for the freedom of Kashmir; most of them supported that autocracy; most of them opposed the freedom movement in Kashmir. Now, because of entirely different reasons, they have become the champions of the freedom of Kashmir. And what is the type of freedom they have brought into Kashmir today? The freedom so-called that they have brought into Kashmir is the license to loot and murder and burn that lovely country and to abduct and carry away the beautiful women of the Jammu and Kashmir State; and not only carry them away but place some of them in the open market place for sale! So let us have this background before us when we consider the Kashmir story.

Our complaint against Pakistan was that it had incited and aided tribesmen from outside and its own nationals to wage war on the Jammu and Kashmir State. The month of December 1947 showed an intensification of military pressure on the State. Nearly 19,000 raiders had been reinforced in the Uri area. 15,000 raiders were operating against the western and south-western borders of the State. Incursions by the raiders into the State territory, involving murder, arson, loot and the abduction of women were continuing. The booty was being collected and carried to tribal areas to serve as an inducement to the tribesmen to swell the ranks of the raiders. In addition to those actively participating in the raids, a large number of tribesmen and others, estimated at 100,000, had been collected in different places in the districts of West Punjab bordering upon the Jammu and Kash-

mir State, and many of them were receiving military training under Pakistan nationals, including officers of the Pakistan Army. They were being looked after in Pakistan territory, fed, clothed, armed and otherwise equipped and transported to the territory of the Jammu and Kashmir State with the help, direct and indirect, of Pakistan officials, both military and civil. The equipment of invaders included modern weapons, such as mortars and medium machine guns; the men wore the battle dress of regular soldiers, fought in regular battle formation and used the tactics of modern warfare. Man-packed wireless sets were in regular use and even Mark 'V' mines were being employed....

Kashmir State territory, that is, after accession, Indian territory, was being invaded. The whole countryside was being ruined. Fresh raiders were continually coming from Pakistan territory into the Kashmir State. All the fighting was taking place in Indian territory. The invaders had their principal bases across the border in Pakistan, received supplies and reinforcements from them, and could go back there to rest and recuperate in safety. Our troops had strict orders not to enter Pakistan territory. Since Pakistan was unwilling to co-operate with us by denying the use of any bases to the raiders in Pakistan, the alternatives left to us were to send our armed forces across Pakistan territory to deal effectively with the invaders or to request the United Nations to ask Pakistan to do so. Any resort to the first course would have involved armed conflict with Pakistan. We were anxious to avoid this and to try every available method to find a peaceful solution. Therefore, the only course left open to us was to make a reference to the Security Council.

The role of the Indian army in this conflict, which was not of our own seeking, has been conspicuous for its discipline, impartiality, endurance and gallantry. They have extended their protection to every section of the people of the State. To suggest that they should be withdrawn before complete order is restored is to suggest something which is neither practicable nor reasonable and which is further a reflection on the exemplary record of our forces in Kashmir.

We are in Kashmir and our forces are there because, legally, we are on unassailable ground. But even apart from law, the moral case of the Indian Union in Kashmir is equally unassailable. If we had not gone there and if our armed forces had not been rushed at great peril into Kashmir that lovely country would now have been sacked, destroyed and ruined and its men and women, who have been noted for ages past for their intelligence and cultural traditions, would have been crushed under the heel of a barbarian invader. No government in India could tolerate such a happening so long as it had the strength to resist it with all its might, and if such a fate befell Kashmir, what freedom or security would we have in the rest of India?

Making a reference on this issue to the Security Council of the United Nations was an act of faith because we believe in the progressive realisation of world order and a world government. In spite of many shocks, we have adhered to the ideals represented by the United Nations and its Charter. But those very ideals teach us also certain duties and responsibilities to our own people and to those who put their trust in us. To betray these people would be to betray the basic ideals for which the United Nations stand or should stand.

## PAKISTAN'S DENIAL AND ADMISSION

Sir, I crave your leave to place certain papers on the table of the House and to make a statement thereon. These papers relate to the United Nations Commission on Kashmir which has been in India and in Pakistan for about two months now. The Honourable Members of the House must have read in this morning's papers some correspondence which has passed between this Commission and the Government of India; a Resolution passed by the Commission some three weeks ago; the Government of India's reply thereto and some indication of Pakistan's reply.

Now, the House knows that this Commission has been here for the last two months or more and the House will have seen from this published correspondence what their resolution was and our response to it. In fact they will have seen that we accepted certain conditions for a truce and cease-fire. Pakistan, however, has rejected them.

As the House perhaps know, it was the desire of the Commission that we postpone the publication of papers and any statements in this House till today. We have been anxious right from the beginning of these consultations with the Commission to take this House and the country into our confidence, because we wished to take no steps in such a vital and important matter without the full knowledge and consent of this House, but inevitably in the circumstances, it became difficult for us, much as we wanted to do so, to make statements in this House when the Commission was engaged in these delicate negotiations, and so at their request we had to postpone such publication from time to time. Ultimately, they issued their statement yesterday

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From a statement made in the Constituent Assembly (Legislative)  
New Delhi, September 7, 1948

at 4 p.m. in Karachi. Now, although I do not wish to say much on this subject, there are certain facts to which I should like to draw the attention of the House. The facts themselves are very well known, not only in this House, but all over the country. Nevertheless, sometimes known and established facts are denied and it does make a difference when those facts are admitted.

In fact, we went to the Security Council with the very simple plea that the peace of Kashmir had been disturbed by these raiders coming across the Pakistan territory and we stated our case as moderately as possible, although we could have stated it much more forcefully. We said that it was inevitable that people coming from Pakistan could only come with the assistance and goodwill of Pakistan and, therefore, we requested the Security Council to ask Pakistan not to assist them and not to permit them to come in this way. It was, if I may say so, a very moderate request, couched in moderate language. Pakistan denied that fact and during the long discussions before the Security Council they not only went on denying it, but expressed a great deal of irritation and anger that anyone should have made such a charge against them. Well, I do not want to go into this long history of denial by them, but the point is that today, on their own admission, their denial was false.

Even till yesterday, as far as the world is concerned, even till 4 p.m. yesterday, there was no admission by Pakistan that they were participating in any way in those Kashmir operations. Of course, we knew. We have the most definite and positive evidence to that effect and ultimately you cannot hide large armies. Nevertheless, till 4 p.m. yesterday, when those papers were issued to the public, there was no public admission. In fact, there was a continual denial in the course of the last few weeks, while this large Pakistan Army was active in Kashmir, battling with the Indian forces in Indian Union territory.

Please remember that all the fighting that has taken place in the last ten months has been in Kashmir, has been in Indian territory; there has been no fighting, there has been no incursion, there has been no Indian Army anywhere on

Pakistan territory. That is a fundamental and basic fact, which apart from any other enquiry and any other facts would lead one to the conclusion that if any outsiders are fighting in Indian Union territory, those outsiders are the aggressors. Why are they there? During the last six weeks or so again we pointed out in the most explicit language to the Pakistan Government and to the Prime Minister of Pakistan this presence of Pakistan troops in the Kashmir State.

Again, there was either a denial or an evasion of the issue. It was an extraordinary thing to me. I do not claim to be in any way different from others of my kind. My standards, I hope, are not lower than those of others. It has been a shock to me that any country, any responsible Minister of a Government should make statements which are patently and obviously false and try to mislead the world by that means. You will remember that before the Security Council at Lake Success, there were prolonged arguments on this issue. The Foreign Minister of the Pakistan Government, who was the Chief Delegate of their Government there, placed the case for Pakistan before the Security Council.

How does that case stand now, I would beg you and the country and the world to consider, because the whole case was based on one fundamental fact, that is, the denial of Pakistan's complicity in Kashmir. They denied throughout that they had actively participated in it. If this fact is proved, as it is proved out of their very mouths today, to have been false, then what happens to that whole case so laboriously built up by the Pakistan Government before the Security Council? What happens to the charge that we brought against them which was never considered by the Security Council at all much to our regret and amazement? So the fundamental thing for us to remember is this, that a fact which was denied for ten months and more has at last been publicly admitted by the Pakistan Government.

Quite apart from their decision in regard to cease-fire and other proposals, the country which participates in aggression against a neighbouring country, may be in the

name of defence or its own security, denies it for many months and then, in fact, when it finds that its guilt is proved, when it cannot hide it any more, then grudgingly admits it and gives some reason for it—how shall we consider the politics of that country from any international or national or moral point of view? Observe that, according to this statement, they took this action in April last, four months or four and a half months ago. If they felt that their security was imperilled, or that something was happening which endangered them and that they had to send their troops, what then should they have done? Obviously, they should have informed the Government of India, and informed the United Nations Organisation that this was happening and that there had been, as they say, a material change in the situation, and therefore they were compelled to take this or that action.

I cannot conceive of any country in the wide world which would not have done so. Quite apart from motives this is the obvious and inevitable thing to do. They sent this army, according to them, in April last or thereabouts and there is no intimation to us into whose territory they were coming, and there was no intimation to the United Nations Organisation which was seized of this question, and was, as a matter of fact, then thinking of sending out a Commission to India. You will remember that in the very early stages of the Security Council's activities, an appeal was made to India and Pakistan in regard to these military operations and in regard to avoiding any situation arising between India and Pakistan. That appeal was repeated.

We have, right from the beginning, taken whatever step we have taken, in the limelight; there has been no hiding about it.

Now, we come to the present, and I must add one more thing. This has been an aggression; and if it is called—as according to their own admission it must be called—an aggression, then certain consequences ought to follow. Now, my difficulty has been that in considering any question if you lose yourself in a forest of intricate detail sometimes you lose sight of the wood for the trees. There have been

long discussions over the Kashmir issue and every aspect and phase and the past and present history have been considered. But what has been the major point? I repeat that, because I think the fundamental factor is the aggression of Pakistan on Indian Union territory; secondly, the denial of the fact of that aggression; thirdly, the present admission of the fact. These are the governing factors of that situation. And the argument has gone on for so long, because these governing factors were slurred over and were not emphasized. We emphasized them, of course, and the problem was discussed in intricate detail.

Now, if you start from a wrong premise in an argument, obviously your whole argument goes wrong and you land yourself in difficulties. If you try to solve a problem without analyzing or stating the nature of the problem, how are you to solve it? And that has been the fundamental difficulty in this Kashmir business: the fundamental issue has been slurred over and bypassed and passed over. Therefore, we have been dealing with other matters which cannot yield a solution. Now, the basic factor is revealed by the very admission of the Pakistan Government.

Now, coming to this proposal of the United Nations Commission in India in regard to cease-fire and truce, etc., I shall not discuss it much, because I do not wish at this moment to say anything which might embarrass that Commission. I need hardly say that the proposal they made was not welcomed by us with joy and enthusiasm; there were many matters in it which went against the grain. But we tried to look at the matter as coolly and dispassionately as possible with a view to establishing peace in the harried State of Kashmir, to avoiding needless suffering and shedding of blood; and we agreed to that cease-fire proposal after the Commission had been good enough to elucidate certain points which we had placed before them. We did not place too many points before them but only certain simple obvious points relating to the security of Kashmir. We placed these before them and they were good enough to tell us that that was their meaning. Thereupon we accepted the cease-fire proposal, accepted many things in it which we

did not like, because we felt that both in the interest of peace and of international order, it was a good thing for us to go a few steps forward even though some of the steps might be unwilling ones. We did so in order to bring about this peace and to show that we were prepared to go as far as possible to meet the wishes of an international organisation like the United Nations. The original proposal of the United Nations was given to us on August 14. The 15th was our Independence Day. Immediately after, on the 16th, we met the members of the Commission and discussed the matter with them to find out exactly what they meant and told them exactly what we meant; and within four days i.e., on August 20 we sent them our reply. We did not want to delay matters as they were anxious that they should not be delayed.

The Pakistan Government had also received these proposals at the same time, on August 14, at 3 or 4 p.m. They also had the same amount of time. But even after the return of the Commission to Pakistan—and some members of the Commission went in between to Karachi—they were not ready with their reply. And, in fact, it was by the pressure of events or the pressure of the Commission that ultimately they gave some kind of a reply yesterday. Meanwhile, they sent long letters seeking elucidation. I am sorry I have not yet read the reply wholly because I received it just a little before coming here. But I have read the significant parts of it, and in effect it is a rejection of those proposals.

Now, the Commission told us that these proposals stood as a whole and while they were prepared to discuss any matter gladly it was difficult—in fact, it was not possible for them to accept conditional acceptances, because if we made some conditions and Pakistan naturally made other conditions what exactly was accepted and by whom? So they said that these conditions attached to them, it was not an acceptance but a rejection. Now, therefore, what the Pakistan Government have done is tantamount to rejection.

Now, certain international consequences should follow from all this. What consequences follow? In a somewhat

narrow sphere, all those officers and individuals who are participating in this aggressive war against India in Kashmir territory—there are, of course, Pakistani nationals and others there too—are participating not only in an aggressive war, but in a war after the refusal of a United Nations Commission proposal for a cease-fire. Their position is worthy of consideration.

## PERVERSION OF FACTS

I have avoided, as far as possible, a discussion of the Kashmir issue while the Security Council are considering this matter. I have also tried not to say anything which might make it more difficult for India and Pakistan to come to an agreement on this or on other issues, because it has been my firm conviction that it is for the good of both countries to come to an understanding and to co-operate together in many common tasks.

Even now, I would have refrained from saying anything as the Security Council is actually considering this matter. But I cannot remain silent while Sir Zafrullah Khan of Pakistan makes charges and insinuations which are wholly false and baseless. Previous attempts at justifying Pakistan's case in Kashmir had little to do with the truth. I shall not refer at present to all the untruths and false arguments that had been raised, but to one thing I must refer, because it is a new approach. He has charged India with a deep conspiracy and with long preparation for sending troops to Kashmir. This is cent per cent false. No member of the Indian Cabinet or of our General Staff had ever thought of this as a remotest possibility till after the invasion of Kashmir from Pakistan, that is during the last week of October 1947.

There was a British Commander-in-Chief then and a British Chief of General Staff. It is easy to find out what the facts were and how this question first arose before us after the invasion started.

The fact of the close connection between the Indian national movement and the national movement in Kashmir is also brought out as evidence of conspiracy. This parti-

cular conspiracy in favour of freedom started twenty years ago when Sir Zafrullah Khan and many of his colleagues in Pakistan were directly or indirectly helping in the suppression of freedom movements. In regard to the Indian States, the Muslim League was against any attempt at reform.

It will be remembered that for six months after the invasion of Kashmir, Pakistan continued to deny the presence of Pakistan troops there. This was proved to be false. I am sorry to use strong language, but I can only describe the policy adopted by Pakistan in regard to Kashmir throughout as a perversion of facts and an attempt to cover this up by appeals to communal passion and religious bigotry. We happen to be opposed to all this and the progressive forces of Kashmir who have fought for Kashmir's liberation for the last twenty years have also been opposed to this. It was for this reason that the Muslim League, with its communal policy and two-nation theory never found any roots in Kashmir.

If the basic facts are in dispute, then the premises must necessarily differ. From differing premises entirely different conclusions must follow. Unwary people accepting certain premises may well come to wrong conclusions without clearing up the basic facts.

Where charges such as Sir Zafrullah Khan has put forward, are made against us, how can there be any ground for any discussions and much less for any settlement, until the basic facts are clarified? We are not prepared to be insulted in this way or to be bullied by a repetition of threats and falsehood.

During the last few months there has been constant and continuous talk in Pakistan of jihad or holy war against India. It is for the Security Council to consider how far this is in conformity with its previous resolutions and recommendations. This is a matter of serious import to us and we cannot conceive of any successful talks against this background of menaces and threats.

## KASHMIR—INTEGRAL PART OF INDIA

Kashmir is juridically and politically an integral part of the State of India and at no time has the United Nations Commission or the Security Council challenged this fact. That a neighbouring country has committed aggression upon it and as a result of war a certain part of the territory has been removed from our factual control does not make any difference to this basic fact. Because of our desire for peace and to avoid further bloodshed, we accepted the cease-fire agreement and allowed this military position to stand pending negotiations. This has been interpreted to mean that Pakistan had not only acquired some kind of political right over the territory under its present control but had also a right to interfere in the other part of the Kashmir State territory. We cannot accept either of these interpretations. In no view of the case has Pakistan the slightest right of any kind.

The issue of accession of Kashmir to India is something arising from the Indian Independence Act and the negotiations that preceded it, and is fully in accord with all that has happened with regard to the accession of many other States. This accession took place when India was still a Dominion of the Commonwealth and the act of accession was accepted on behalf of the Crown by the then Governor-General. The Republic of India inherited the position left behind by the British Government.

Apart from accession, it has to be remembered that India today is a continuing entity, taking over all the rights and liabilities that vested in the old India. We continue to be in the United Nations without further

election. We took over all the duties and liabilities of the old India and in every other way the rights and responsibilities of the old India came to us. These rights and responsibilities included the protection of not only the Indian States that had acceded to us but any other about which there had been no accession or due accession to Pakistan. Thus, irrespective of accession we would have had an obligation to protect the people of Kashmir against aggression.

Kashmir at no time has been recognised as a State under international law but has been an integral part of India. The Partition made no difference to our responsibilities in regard to Kashmir so long as it had not deliberately acceded to Pakistan. We went to the United Nations not to determine the accession issue or where sovereignty lies. We did not go there to seek arbitration but to complain about the aggression of another State, which was likely to lead to international complications and probably affect peace. . . .

I want to repeat that Kashmir is an integral part of India and is governed, in so far as the subjects of accession are concerned, by the Constitution of India. We cannot upset or violate our Constitution because of some resolutions put forward in the Security Council.

We are always prepared to have the assistance of a mediator to explore avenues of a settlement with him. How far such a mediator at the present juncture would be helpful is a matter to be considered. But we cannot accept anything that flows from a basically wrong argument.

We have no desire to base our position on a legal formula only but we cannot accept the position that the law and the Constitution on which we stand can be ignored. Apart from the law, the political consequences of any proposal or suggestion have to be considered. It is not a small matter for some kind of an *ad hoc* decision, but a matter which concerns not only the four million people of Kashmir but the hundreds of millions of people of India and Pakistan. It would be an act of very little wisdom if something is done which might lead to consequences involving these hundreds of millions.

## KASHMIR AND INDIA

The State of Jammu and Kashmir for long years was a delectable playground for those who could afford it, and though the people living there were for the great part poverty-stricken, it drew many people from the rest of the world. This Kashmir, which was politically speaking a backwater for these long years, was suddenly thrust into the current of history and since then events have happened there, and naturally public attention has been drawn to them. For us in India it is, of course, something much more than that.

From the southern tip of India, Kanyakumari, Kashmir is a little over two thousand miles. Roughly speaking, it is about a thousand miles from the sea. While a part of India, it is, in fact, the heart of Asia, geographically speaking, and for countless ages great caravans have passed from India right up to Central Asia through this State. It is essentially, and it has been for two thousand years or more, very closely connected with India culturally and politically often enough. It is also connected in various ways with Central Asia. Even now I wonder how many people realise that Kashmir is further north than Tibet. So one has to think of Kashmir in that peculiar geographical position.

In the State of Jammu and Kashmir, as in other Indian States of old, there were strivings for freedom against the feudal rule that existed there. As in other States again, they took their inspiration from the great nationalist movement of India. In essence, they were the outcome of that very movement and the offshoots of that movement and their ideals and objectives also very largely came from that

big movement and that great leader, Mahatma Gandhi. I think I would be right in saying that of all the various State movements in India during the last twenty or thirty years, probably the popular movement that developed in the Jammu and Kashmir State, was the most powerful and grew up to be the best organised. This movement was intimately connected with what was known as the All-India States Peoples' Conference. Thereby, it became a part of that allied movement in India which affected all the States in the country.

Even before August 15, 1947, the question of Kashmir came up before us informally. We had contacts with the popular organisation there, the National Conference, and its leaders, and we had rather vague contacts with the Maharaja's Government also. The advice we gave to both was that Kashmir was a special case and it would not be right or proper to try to rush things there, and the general principle we had laid down that the people of the State should be consulted specially applied to Kashmir. This was before Partition, before the actual coming of Independence. We made it clear that even if the Maharaja and his Government then wanted to accede to India, we would like something much more, that is, popular approval of it before we took that step. We did not wish by some clever tactics to gain something on paper. We were after something much bigger, that is to gain the hearts of the people there, and to have a real union. Indeed, the basis and the foundation for that real union had been laid in the past—a much more enduring basis than even any legal or constitutional document. That basis has been these national movements there and here, our working together in co-operation for common ideals, and our having to endure common suffering.

We had little leisure after August 15, 1947. Upheavals took place in Pakistan, in the States of India bordering on Pakistan, and we had to pass through much pain and torment during that period. We could not think of Kashmir or any other place. We had to deal with the immediate issues that faced us from morning to evening.

Suddenly in the last week of October 1947 an invasion took place on Kashmir through Pakistan. We received independent appeals both from the Maharajah's Government and from the popular organisation of Kashmir. The appeals were for help and for accession to India. We gave long and very anxious consideration to these and came to the conclusion that, in spite of all the risks and dangers involved, we could not say "No" to that appeal, and that we had to go there to help them. Suddenly our forces discovered that a little beyond Uri they were not dealing with the tribal raiders, but with the armed might of the Pakistan Army. That was a different matter that had to be dealt with on a different plane and so, for the moment, our armed forces stopped there. This was in November 1947—war continued there and elsewhere in the State, on the Jammu side, on the Kashmir side and on the northern side. It continued for a year and a half nearly. Round about December when we saw that we were up against the regular forces of the Pakistan Army, immediately we felt that this matter was likely to become much bigger than we had imagined, and that it might very well lead us to a full-scale war with Pakistan. We decided to refer the matter to the United Nations. Our object was that this war should not spread.

The Pakistan Government denied that the tribal people had marched through their territory with their help at all and they denied absolutely then and for some months afterwards, that any Pakistan force or any part of the Pakistan army had taken part in this Kashmir invasion. Later, we had plenty of evidence of this and in Delhi city a little museum was opened by our Defence people, showing the participation of the Pakistan army when they were doing it, because we had all kinds of captured materials, diaries of soldiers, insignia, etc. In 1948 these military operations went on fiercely throughout the winter. Simultaneously, the Security Council came into the picture.

During these four or five years of discussion, negotiation and mediation, that simple question that we put at the end of 1947 has not been answered and has not been considered. It has been answered indirectly by the Resolution of the

United Nations Commission that came here in 1948, when they said that a new situation had arisen, because Pakistan troops were in Kashmir. On December 31, 1948, a ceasefire was agreed to between the parties. Since then, there has been no military operation on any major scale. There have been petty raids. That has been the position since then. Apart from local troubles and infiltrations—there is plenty of that—the scene has shifted to the Security Council of the United Nations, the United Nations Commission, the United Nations representatives and the like, who have been visiting India from time to time.

The lastest mediator has been Dr. Graham. He confined his enquiries almost entirely to what he called the demilitarisation of the State. The word is hardly a happy word; but, nevertheless, for the sake of convenience we may use it. The position that we had agreed to when the United Nations Commission was here was this. In our desire to have peace, we had agreed that, first of all, all Pakistan armies, auxiliaries and the rest should withdraw from every inch of State territory. In fact, we had laid the greatest stress on it, not merely for military reasons, but much more so for moral reasons. They had no business to be there. They had to withdraw. They had invaded. Even if Pakistan challenged the accession of Kashmir to India, one thing is dead clear and dead certain, that Pakistan had no position there, moral, political, constitutional or anything else, and Pakistan had no business to send any forces or abet any forces going there. So that, we made it an essential condition, a prerequisite of any kind of approach to a settlement with Pakistan, their withdrawal completely from that area which they had invaded and occupied. That was the thing agreed to in that Resolution of the United Nations Commission.

Meanwhile something else had happened and that was the building up in the western area of the State, which was occupied by Pakistan, of forces sometimes called the Azad Kashmir forces. They had built up local levies called Azad Kashmir forces. In 1948, we did not have too much information about that, although we knew about it. We

asked that these levies should be disbanded and disarmed. We could not ask them to go away from the State because the people lived in the State. We asked that they should be disbanded and disarmed. The form that the Commission put it later in the Resolution was, 'large-scale disbandment and disarmament of Azad Kashmir forces.' There had always been an argument between us and Pakistan on that issue. We have insisted that this meant a complete disbandment and disarmament. Pakistan did not agree to that interpretation. And this has been one of the arguments coming in the way of the conversion of the cease-fire into a Truce Agreement.

On our side, we had agreed to withdraw the bulk of our forces, provided that we kept enough forces there to maintain the security of Kashmir from external invasion or any other internal troubles. It was always a condition that we must have enough forces, and we were the judges of that. We had said that we would withdraw the bulk of our forces, when Pakistan armies had gone to Pakistan. Then came the cease-fire and these talks are taking place.

Dr. Graham has been dealing solely with this so-called demilitarisation problem and although we agreed to many things that he said, there has always been a gap between our position and the position taken up by Pakistan. That gap has not yet been bridged.

## KASHMIR'S ACCESSION COMPLETE

Looking back at these five years, I think that the people of Kashmir, the people of India and, if I may say so with all humility, the Government of India have stuck to the right path in spite of numerous small mistakes that they may have made. We have pursued the policy we considered right even when it appeared most inopportune; sometimes our attitude displeased certain people; sometimes a little swerving to the right or to the left would have gained us an advantage in foreign countries—and foreign countries had begun to count for us. We had to put up with their attempts to judge us and to judge something which was so important to us. Kashmir was not important to us because of any territorial designs on our part as somebody suggested but for the other reasons that I have mentioned. People in other countries thought of Kashmir merely as a geographical unit. It was only a plaything for them while it was very much in our hearts. Certain foreign countries tried to deal with the Kashmir question in a casual way and talked of India's imperialism and her territorial designs. We restrained ourselves but very often there was anger in our hearts—anger at this intolerant criticism, at the presumptuous way in which people talked to us, to this great country of India. They had the audacity to talk of imperialism to us when they were imperialists themselves and were carrying on their own wars and themselves preparing for future wars. Just because India tried to protect Kashmir from territorial invasion, people had the temerity to talk of India's imperialism!

Well, as I said, we restrained ourselves and we shall

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From a speech made in Parliament, August 7, 1952.

still endeavour to restrain ourselves in future but restraint does not mean weakness. It does not mean giving in. We were firm and convinced of the rightness of our position, because, as I said—and I said it in all honesty—I have searched my heart and looked into every single step I have taken in the matter of Kashmir but cannot find that any of the major steps we have taken has been wrong. Although it is my Government that is ultimately responsible for the part India has played, I have been personally concerned with every single step taken during the last five years. Of course, in retrospect, there are things that I could have done differently—some minor things—but I do not see how any major step we have taken could have been taken in a way other than in which it was done. We may have erred sometimes because we were anxious to preserve peace and to avoid war at all costs; but I would always like to err in that way.

For people to accuse us of avarice or covetousness, of imperialism, of breaking our word and pledge, is grossly unfair. I have said before and I repeat that every single step we have taken has had conviction behind it, every single word or pledge we have given to the United Nations or to the United Nations Commission or to anybody else who has come here has been kept to the letter and every single assurance has been carried out.

All this is much more than can be said for Pakistan in this matter, because the entire Kashmir business is based on a fundamental lie—the lie Pakistan has told in denying that she invaded Kashmir. If Pakistan wants Kashmir, let her go there and fight. But why lie about it? The armies of Pakistan were in Kashmir for six months and then they denied the whole thing. When you base a case on a lie, the lie has to be repeated; and it was repeated in the Security Council month after month. Their armies were still in Kashmir and their Foreign Minister went on saying that they were not there. That was an astonishing thing. When the United Nations Commission was here and was on the point of going to the front and when there was no possibility of concealing this fact any longer, they admitted it.

They had to admit it and a statement was submitted by the Commander-in-Chief of the Pakistan army who was a well-known British officer. The statement was to the effect that he had been compelled, in the interests of protecting Pakistan, to send the Pakistan armies—into Kashmir. He was afraid that India was going to invade Pakistan across Kashmir from somewhere in Central Asia!

That was the beginning of the extraordinary story of Kashmir and it is as well that it is repeated again and again, because people are apt to forget it. This matter has become international and is talked about in the various capitals of the world. This simple story, these simple facts of invasion, of brigandage, loot and arson are forgotten and passed over casually while other discussions take place. It has been an amazing education for many of us these five years: education in world politics, education in how nations can behave, education in how great countries get distorted visions and cannot see straight in the simplest matter when it so suits them.

...When the British left, there was a good deal of misunderstanding about the situation that was created in India by the partition and because of the statement about the Indian States issued by the United Kingdom. I shall venture to put forward my own view, functioning, for the moment, as a jurist and a constitutional lawyer. The partition took away a certain part of India with our consent; but the rest of India, including States, remained as a continuing entity. Till something happened to separate the States from India they were part of India. We were not created by Partition as Pakistan was. India was, India remained, India is, India will be. So, every State, till it arrived at a decision to the contrary, would continue to have the old relationship with India.

By the removal of the British power from India in 1947, we were, to some extent, thrown back to the days when the British first came. That is an interesting and good parallel to pursue in other ways, too; but I shall not pursue it, because it may lead to controversial matters. When the

British power established itself in India, it became evident that no other power in India could remain independent. Of course, these powers could remain semi-independent or as protectorates or in some other subordinate capacity. Accordingly, the Princely States were gradually brought under the domain and suzerainty of the British power. Similarly, when the British left India, it was just as impossible for odd bits of Indian territory to remain independent as it had been during their regime. At that time Pakistan was, of course, out of the picture. For the rest, it was inevitable that the Princes and others, whoever they might be and whether they wanted it or not, must acknowledge the suzerainty, the sovereign domain of the Republic of India. Therefore, the fact that Kashmir did not immediately decide whether to accede to Pakistan or to India did not make Kashmir independent for the intervening period. Since she was not independent, it was our responsibility as the continuing entity to see that Kashmir's interests were protected. I wish to say this, because it was undeniably our duty to come to Kashmir's aid, irrespective of whether she had acceded to India or not.

...There still seems to be a good deal of misunderstanding about Kashmir's accession to India. The other day, I said in this House that this accession was complete in law and in fact. Some people and some newspapers, mostly newspapers abroad, seem to think that it is only something that has happened in the last week or fortnight or three weeks that has made this accession complete. According to my views, this accession was complete in law and in fact in October 1947. It is patent and no argument is required, because every accession of every State in India was complete on these very terms by September in that year or a little later. All the States acceded in three basic subjects, namely, foreign affairs, communications and defence. Can anybody say that the accession of any State in India was incomplete simply because they acceded in only those three subjects? Of course not. It was a complete accession in law and in fact. So was the accession of the Jammu and Kashmir State, in law and in fact, by the end of October.

It is not open to doubt or challenge. I am surprised that anybody here or elsewhere in the world should challenge it. I was telling the House that when the first United Nations Commission, accompanied by their legal advisers and others came here, it was open to them to challenge it. But they did not, because it was quite clear to them and to their legal advisers that there could be no question about the legal validity of the accession.

## U. S. MILITARY AID TO PAKISTAN

The House will remember that for the last three years we have repeatedly offered a no-war declaration to Pakistan. A no-war declaration is what is called in perhaps more precise language a non-aggression pact. Now we have offered that repeatedly and Pakistan has been repeatedly rejecting that for whatever reason it may be. If there had been such a no-war declaration or non-aggression pact, obviously that would have eased tension between the two countries and in surrounding areas and produced a greater feeling of security in both countries. It would have helped us to solve the problems that face us. Now it is in the context of this rejection of our proposal for a no-war declaration that we have to view this military aid from the United States to Pakistan. I venture to say that it is not easy to even imagine any aggression against Pakistan as things are, either from that great country China, or from India, regardless, I say, of motives about it. I am looking at the barest physical possibilities of the matter.

How then does this question of aggression arise and is made a pretext of this kind of military aid being given from Pakistan's side? I am wholly unaware of any possible reason which I can understand. For my part, I would welcome the strengthening of Pakistan, economically, even militarily, in the normal sense; if they build themselves up I have no complaint. But this is not a normal procedure. This is a very abnormal procedure, upsetting normality, and in so far as it upsets normality, it is a step away from peace.

Now, the President of the United States has stated that if the aid given to Pakistan is misused and directed against

another in aggression, he will undertake to thwart such aggression. I have no doubt that the President is opposed to aggression. But we know from past experience that aggression takes place and nothing is done to thwart it. Aggression took place in Kashmir six and a half years ago with dire consequences. Nevertheless, the United States have not thus far condemned it and we are asked not to press this point in the interests of peace. Aggression may take place again and be denied as the previous aggression was denied till it could not be hidden. If conditions are created for such an aggression to take place it may well follow, in spite of the desire of the United States to prevent it. Later long arguments will be carried on as to whether it was aggression or not. The military aid given by the United States to Pakistan is likely to create the conditions which facilitate and encourage aggression.

As I have said repeatedly, this grant of military aid by the United States to Pakistan creates a grave situation for us in India and for Asia. It adds to our tensions. It makes it much more difficult to solve the problems which have confronted India and Pakistan. It is vitally necessary for India and Pakistan to solve these problems and to develop friendly and co-operative relations which their geographical position as neighbours as well as their long common history demand. These problems can only be solved by the two countries themselves and not by the intervention of others. It is indeed this intervention of other countries in the past that has come in the way of their solution. Recently a new more friendly atmosphere had been created between India and Pakistan, and by direct consultations between the two Prime Ministers progress was being made towards the solution of these problems. That progress has now been checked and fresh difficulties have arisen.

The military aid being given by the United States to Pakistan is a form of intervention in these problems which is likely to have more far-reaching results than the previous types of intervention.

The Prime Minister of Pakistan has stated that by

the receipt of this military aid, a momentous step forward has been taken towards the strengthening of the Muslim world and that Pakistan has now entered a glorious chapter in its history and is now cast for a significant role in world affairs. He has also stated that this military aid will help to solve the Kashmir problem. That is an indication of the way his mind works and how he thinks this military aid might be utilised. Military aid is only utilised in war or in a threat of war.

There is another small matter—not a small but relevant matter—relating to Kashmir. The House will remember its long history and how for the last two years among the questions being discussed has been the quantum of forces to be left in Kashmir with a view to having afterwards a plebiscite; that is, a reduction of forces—sometimes it is called demilitarisation. There has thus far been no agreement on that issue. Now the whole issue has to be considered from an entirely different point of view when across the border, across the cease-fire line on the other side, large additional forces are being thrust from outside in Pakistan and put at the disposal of Pakistan. It does make a difference.

## FRIENDLY APPROACH

The story of Kashmir is a long one, but basically it begins in the last half of October 1947 when there was invasion on the Jammu and Kashmir State through Pakistan and by Pakistan. This, being the initial fact governing the whole affair, must be remembered because everything subsequently flowed from it and every decision and every consideration that may be given to the Kashmir problem has always to keep this basic fact in mind.

The point now to remember is that the first thing that was required by the U. N. Commission was for Pakistan to withdraw its armed forces from the area of the State occupied by it. There was a great deal of talk about plebiscite and as to what India should and should not do. But throughout the first demand of the United Nations has been the withdrawal of Pakistan forces from the area occupied by them. Other factors came later. We were asked to withdraw the bulk of our forces on Pakistan withdrawing from the area in order to relieve tension, but to retain our Army in the State in order to give it protection. The right of our Army to be there was recognised, but it was stated that since Pakistan is withdrawing completely from Jammu and Kashmir State, India also can reduce her forces as that would tend to bring about a better atmosphere.

Today, eight and a half years after the invasion, the armed forces of Pakistan are still there. All this talk of plebiscite and everything is therefore completely beside the point. Those questions can arise only when Pakistan has taken a certain step, i. e., the withdrawal of its armed forces. Pakistan is out of court till it performs its primary

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A statement made in Parliament, March 29, 1956.

duty by getting out of that part of Jammu and Kashmir State on which it committed aggression. This is a major fact to be remembered.

Many attempts were made during these years to deal with the conditions laid down in the U. N. resolution. But they did not yield results.

It has been found that the Government of India and the Government of Jammu and Kashmir State could not remain continually in a state of suspended animation in regard to Kashmir; something had to be done. Years passed and certain steps were taken by the Jammu and Kashmir Government, with the concurrence of the Government of India, to elect and convene a Constituent Assembly. We made it clear that while the Constituent Assembly was free to decide on any constitution it liked we also continued to be bound by our international commitments.

More years passed and while, on the one hand, Pakistan continued to occupy a part of the State on which they had committed aggression, the Constituent Assembly proceeded to draw up a constitution for the State and passed very important measures of land reform; great development works were undertaken and the people of the State, except those under the forcible occupation of Pakistan, made progress. Jammu and Kashmir experienced more prosperity under their own Government than they had at any time previously.

Eight or nine years have passed and these major changes have taken place and the people of Kashmir have been settled.

The President of Pakistan and others repeatedly talked about the "abject slavery" of the people of Jammu and Kashmir State under their present Government. I really do not know why they should talk in this irresponsible manner. Jammu and Kashmir State is not a closed book. Fifty thousand tourists went there last year and if there is one thing which is well established, it is that the State has never been so prosperous before. It is not for me to say what the state of the people is on the other side of the cease-fire line. But I notice that there is a continuous attempt by people on that side to come over to this side to share in the prosperity.

When we were discussing various ways of resolving differences with the Prime Minister of Pakistan there was a new development. This was the promise of military aid from the United States to Pakistan which was subsequently fulfilled. This created not only a new military situation but a new political situation. The procedure thus far followed by us became out of date and had to be viewed afresh. That situation has become progressively worse because of the flow of this military aid to Pakistan and the conclusion of the SEATO and the Baghdad Pacts.

In discussing this question of Kashmir with Pakistan representatives and others, apart from legal and constitutional issues, we have had the practical aspect in mind; that is, we wanted to promote happiness and freedom of the people of Kashmir and avoid any step being taken which would disrupt and upset things which have settled down and which might lead to the migration of people this way or that way. If that happened it would again lead to conflict with Pakistan which we want to avoid. While we were desirous of settling the Kashmir problem with Pakistan there was no settlement if the manner of settling itself would lead to conflict with Pakistan. Any step which might have been logical some years ago becomes more and more difficult; it means uprooting of things that have become fixed legally, constitutionally and practically. We pointed this out last time when the Prime Minister of Pakistan came here. We said: "You must recognise facts as they are. It is no good proceeding on the basis of old things ignoring the existing facts."

Meanwhile constitutional developments have taken place both in our Constitution and that of the Jammu and Kashmir State. We have laid down in our Constitution that we could not agree to any change in regard to the Jammu and Kashmir State without the concurrence of the Jammu and Kashmir Constituent Assembly.

The creation of one unit in West Pakistan is also a development which also concerns the people of Kashmir indirectly although it is not directly concerned with us. In consequence of all these factors, I have made it quite

clear to the Pakistan representatives that while I am prepared to discuss any aspect of this question, if they want to be realistic, they must accept the changes and take into consideration all that has happened during these seven or eight years and not talk in terms of eight or nine years ago. They did not quite accept that position, and there the matter ended. The only alternative, I said, was the continuing deadlock in our talks.

Some time back I had offered a no-war declaration to the Pakistan Government; that, under no circumstances, would India and Pakistan go to war for a settlement of any dispute. There was considerable correspondence. Nawabzada Liaquat Ali Khan, who was then the Prime Minister, did not agree to it because he said : "Before we make that declaration, you must settle the questions at issue or you must agree to their being settled automatically by some process like arbitration". I thought that by a no-war declaration a new atmosphere would be created which would help us in settling them.

I added : "When you talk to me to bind myself down to a strict schedule, the question of dispute arises. When a dispute arises it is referred for conciliation for one month, may be two months, one month or two months more for mediation and then arbitration. Within four or five months it is over. I am not aware of any country having committed itself to arbitration about any problem, political or other, that might be raised in the future." When we fix our sovereignty it fixes matters of high State policies which can only be considered by the countries concerned. There are many other questions which can be settled otherwise. So to ask us to commit ourselves in the future in this way was not a wise or feasible approach. There the matter ended.

The present Prime Minister of Pakistan has again mentioned this matter and I gladly welcome his proposal. But it is clear that we must not tie ourselves in a no-war declaration with all kinds of conditions. Then you get the same vicious circle; you must settle first and then make a no-war declaration; if you settle everything then it is not necessary to have a no-war declaration.

Having had nine years of this Kashmir affair in changing phases which have affected the people of Jammu and Kashmir State and of India in a variety of ways, affecting our Constitution, sovereignty and vital interests, am I to be expected to agree to some outside authority becoming an arbitrator in this matter? No country can agree to this kind of disposal of vital issues. But I do think that since both Pakistan and we agreed that on no account should we go to war with each other, we should settle our problems peacefully though they may not be settled for some time. It is better to have a problem pending than to go to war for it.

I hope the Pakistan Government will consider the basic facts and realise that we mean no ill to them, that we want to be friends with them and that we want to settle all our problems in a friendly way and, I am sure, we can settle them if our approach is that of a friend.

## PRACTICAL SOLUTION

I have not a shadow of doubt that India has followed the right policy in regard to Kashmir, a policy of decency and restraint that will do justice to the people of Kashmir, India and Pakistan.

I told the Pakistani leaders clearly: "I think that you have committed a lot of excesses in Kashmir. You have no right to sit on a part of Kashmir that is under you. However, since my desire is only that there should be no clash and upheaval, I am willing to accept that the part of Kashmir which is under you may be settled by demarcating the border on the basis of the present cease-fire line. We have no desire to take it by fighting".

The question of plebiscite was dependent on the clear stipulation that the entire Pakistani Army should first withdraw from Kashmir. Pakistan has failed to fulfil this important stipulation during the last nine years during which the face of Kashmir has been changed. If now something is done which upsets all that has been achieved in Kashmir it will be a dangerous thing for Kashmir, India and Pakistan, because any new upheaval is bound to bring in its train a calamity like that the two countries witnessed and suffered in 1947. In such an eventuality there would be streams of refugees pouring into India and going to Pakistan. This will spell the ruin of Kashmir and create great bitterness in India and Pakistan. Instead of the problem being solved and the two countries coming closer, this would create a dangerous situation and drive them further apart.

More than a year ago I told the Pakistani leaders very clearly that they should ponder over the basic facts of the

Kashmir problem. I told them that I was willing to talk to them as long as they liked because we wanted to find some path by which the two could work together and find a solution of the common problems. But, when for more than seven years we did not succeed in finding a solution of this small problem of the Pakistani armies leaving the soil of Kashmir before holding a plebiscite, what hope is there that this problem would be solved now? Many new things have happened. The U. S. military aid to Pakistan has changed the entire face of the problem. I agree that it is not the intention of the U.S.A. that U.S. military aid to Pakistan should be used against India. But the fact is that this aid increases the strength of Pakistan to attack India. We have said very clearly that this aid has changed the entire face of the Kashmir problem because even if the Pakistani armies left the soil of Kashmir and entrenched themselves 20 or 30 miles away from the border, their increased strength would give them greater striking power to attack even from there. We have therefore to think and solve this problem in a different way as it has been made very complicated by the U.S. military aid and the military pacts entered into by Pakistan.

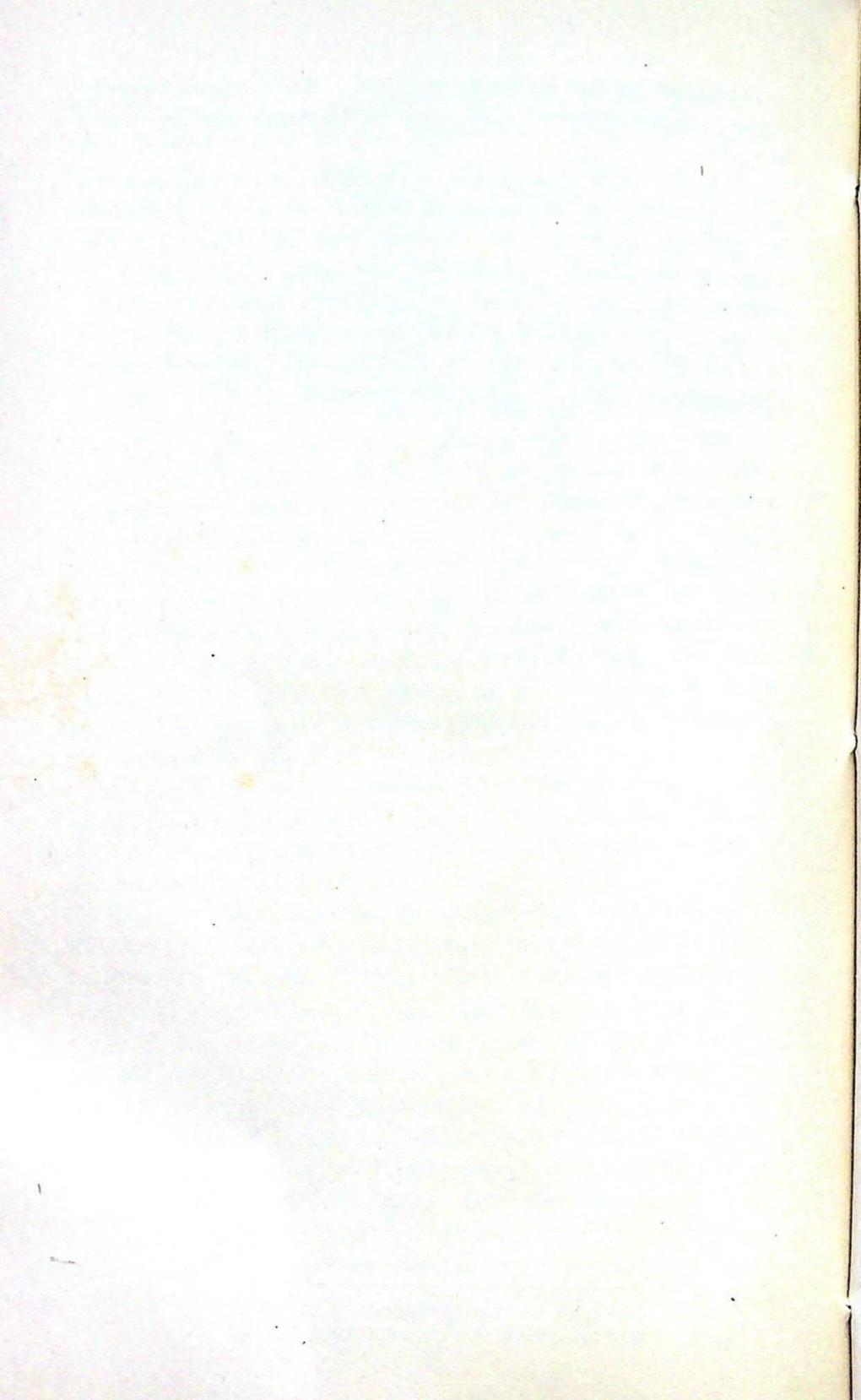
U.S. military aid to Pakistan and Pakistan's membership of the military pacts such as the SEADO and the Baghdad Pact has destroyed the roots and foundations of the plebiscite proposal in Kashmir. The situation today is that the Pakistani troops have not been removed from the soil of Kashmir and, over and above that, new things have developed which India has to take fully into consideration.

I told the Pakistani leaders that there was no use in dragging the problem further and that we had to accept the new things and try to solve the problem. It is not that I wish to close the door for further talks. But, it would not be a sign of intelligence to expect me to do the old things of nine years ago without taking into consideration the new developments that have taken place since.

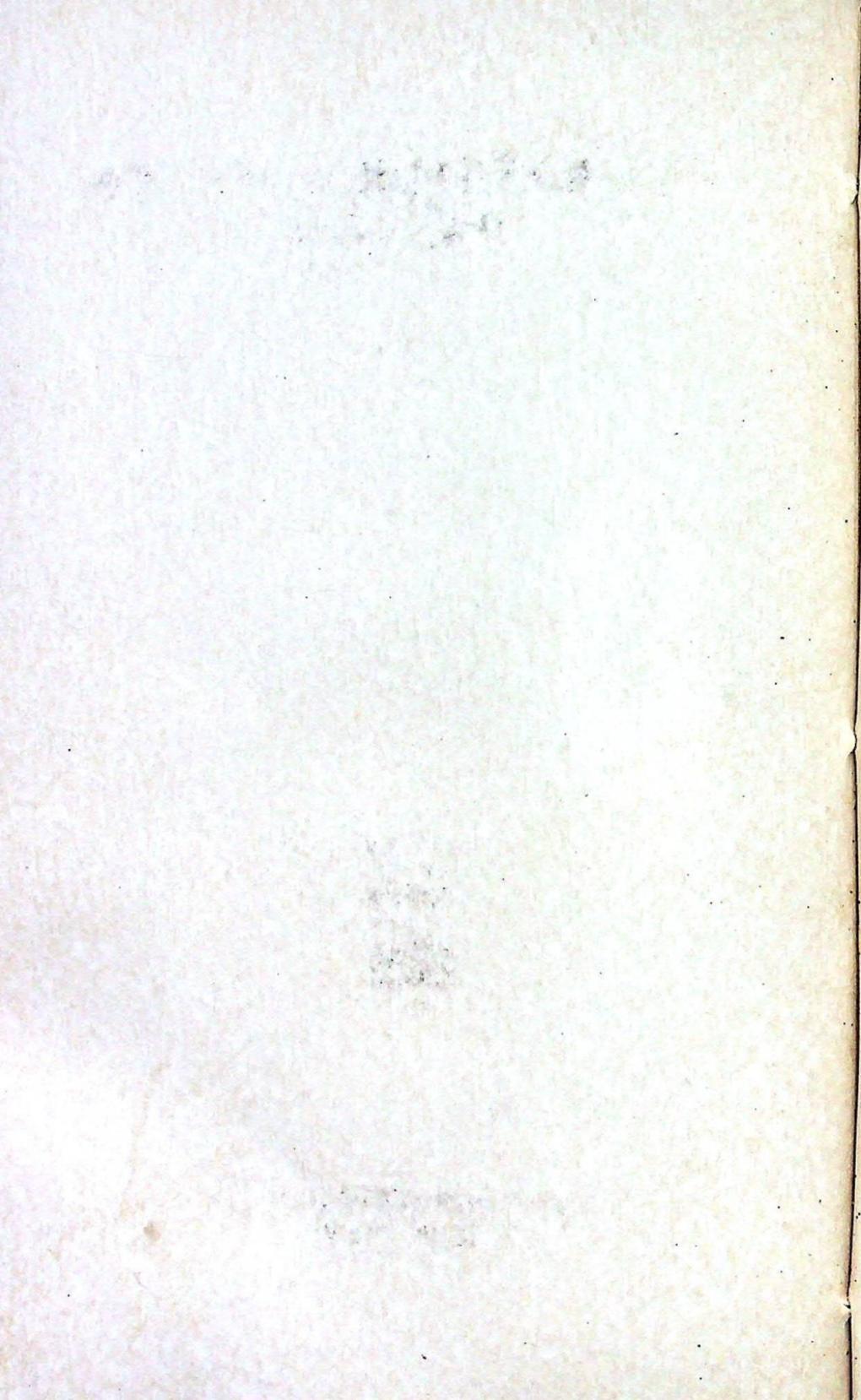
A big burden has been created in India by large-scale influx of Hindus from East Bengal. In my mind the question of influx of refugees from East Bengal into India is

interrelated to the Kashmir problem. Although outwardly these two questions are different, in my mind they are inter-linked.

I do not want our people to indulge in voicing threats or showing fists or brandishing swords. We have to follow the path of decency as no problem can be solved by the language of threats. I want our newspapers and people to understand that our case in regard to Kashmir is quite strong. So, relying on this inherent strength of ours, let us not call each other names or criticize each other because ultimately we have to solve this problem.



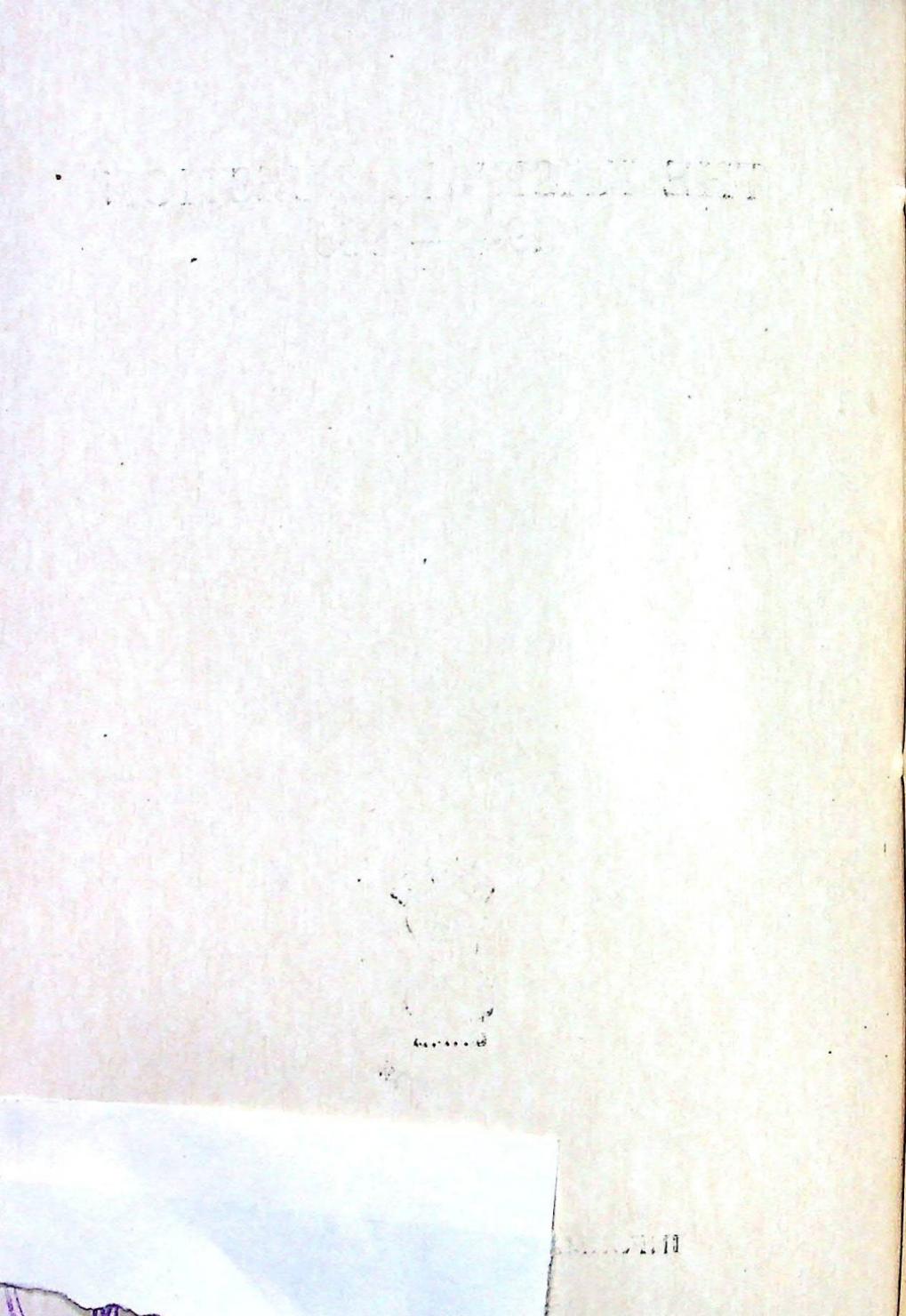




THE KASHMIR QUESTION  
1947—1956



INFORMATION SERVICE OF INDIA  
NEW DELHI



## CONTENTS

|                                       | PAGE |
|---------------------------------------|------|
| INTRODUCTION . . . . .                | 1    |
| KASHMIR CONFLICT—ITS ORIGIN . . . . . | 3    |
| BASIC ISSUES . . . . .                | 8    |
| KASHMIR AND RELIGION . . . . .        | 18   |
| INDIA AND KASHMIR . . . . .           | 23   |
| CONCLUSION . . . . .                  | 26   |
| APPENDIX I . . . . .                  | 28   |
| APPENDIX II . . . . .                 | 31   |
| APPENDIX III . . . . .                | 34   |

## CONTENTS

Introduction  
Kinds of contracts  
Kinds of debts  
Kinds of property  
Kinds of torts  
Contract  
Bills of exchange  
Bills of lading  
Letters of credit

## INTRODUCTION

The Kashmir problem was first referred to the Security Council on January 1, 1948, when India, invoking Article 35 of the Charter of the United Nations, complained to the Council that Pakistan was engaged in aggression against India.

2. Since then more than eight years have passed. During this long period innumerable debates and discussions have taken place. The Security Council itself considered the Kashmir question in several of its meetings and at great length. In June 1948, it appointed a Commission of five members and directed it to proceed to India and Pakistan. The Commission helped to bring about a ceasefire after the war had ravaged Kashmir for more than a year; but the Commission failed to achieve anything more. There then followed the appointment of three successive mediators—Gen. MacNaughton, Sir Owen Dixon and Dr. Frank Graham. Success did not attend their mediatory efforts. Finally, in an effort to resolve the deadlock the Prime Ministers of India and Pakistan conducted direct negotiations.

3. While these negotiations were in progress, Pakistan entered into a military aid agreement with the United States, seeking thereby to exert military pressure upon India. Soon after this agreement, Pakistan joined the military alliances known as the SEADO and the Baghdad Pact. It has exploited the forum provided by these alliances for conducting a campaign with the object of putting political pressure upon India.

4. Within Pakistan a virulent campaign of vilification of India has been launched and sustained. Hatred for India is being engendered among the people. Newspapers and politicians have, once again, raised the cry of jihad (holy war). It is evident that a sober and realistic con-

sideration of the Kashmir question is impossible in an atmosphere charged with such noxious propaganda.

5. The long years of debate and discussion have tended to blur public memory of the basic facts of the Kashmir Conflict. These facts need to be restated clearly.

## KASHMIR CONFLICT—ITS ORIGIN

6. The Kashmir conflict had its origin in Pakistan's determination to secure by force the accession of the State of Jammu and Kashmir. All the arguments advanced and justifications pleaded by Pakistan only help to bring into sharp relief this fact.

7. On August 15, 1947, when the partition of the Indian sub-continent took place, the state of Jammu and Kashmir was faced, along with other Indian Princely States, with the alternative of acceding to either India or Pakistan. The State did not immediately make up its mind on accession. In order to maintain the *status quo*, the Government of Kashmir approached the Governments of India and Pakistan to enter into a Standstill Agreement with the State. The Government of Pakistan concluded such an agreement with the duly constituted Government of the State.

8. Intensely preoccupied with the problem of the merger of more than 500 Princely States, which lay within her border, India was prepared to wait until the Government of Kashmir had made up its mind on accession. Pakistan, on the other hand, was determined, to coerce the State into accession to it despite the Standstill Agreement. With this object, Pakistan began an economic blockade of the State in violation of the Standstill Agreement. Supplies of food, petrol and other essential commodities to Kashmir were cut off by the authorities in Pakistan. Communications were tampered with, and free transit of people was hindered.

9. While protesting against the economic blockade, the State withstood the resulting pressure. Pakistan then began to apply military pressure on the State. Border raids were organised and Pakistan nationals began to infiltrate into the

State territory from the adjoining districts of Pakistan.

10. The Government of Jammu and Kashmir made repeated representations to the authorities in Pakistan appealing to them to stop violations of the State territory. These representations brought forth only brazen denials. By October 1947 raiders armed with modern weapons began to infiltrate into Poonch and Mirpur areas.

11. On October 15 there began the seige of Fort Owen; nearly 5,000 raiders were involved in these operations. By October 22 infiltrations and raids were transformed into a full-scale military attack upon the State of Jammu and Kashmir.

12. Pakistan thus forced upon the people of Kashmir a cruel war which brought death and devastation. Towns and villages were sacked and burnt and large-scale massacre of Kashmiri people—of Muslims and Hindus alike—took place. The raiders rapidly advanced towards the Valley. On October 27 they were barely four and a half miles away from the capital, Srinagar.

13. At this stage, the legally constituted Government of Jammu and Kashmir, of which the Maharaja was the Head and with whom Pakistan had entered into the Standstill Agreement, sent on October 24, 1947, an urgent appeal to the Government of India for help, requesting that the State be allowed to accede to India.

14. In response to the appeal for help from Kashmir, India decided to accept the Instrument of Accession signed by the Maharaja and supported by the Kashmir National Conference. On the morning of October 27, Indian forces were flown to Kashmir.

15. It should be clearly stated that even up to this stage Pakistan never suggested that the future of Kashmir should be determined by ascertaining the wishes of the people. There was never any reference made by Pakistan to any democratic methods and procedures. The invasion was producing results. The advance column of the invaders had reached the outskirts of Srinagar. Pakistan appears to have felt confident that the method of force already

adopted held out surer promise of achieving its objectives than the uncertain processes of democracy.

16. According to Mr. Campbell-Johnson, Public Relations Officer to Lord Mountbatten, Mr. Jinnah ordered Pakistani troops to march into Kashmir on October 27, 1947, as soon as it became obvious that the tribesmen alone would fail to capture Srinagar. In his own words:

“In the middle of today’s (October 28, 1947) Defence Committee, Auchinleck rang up Mountbatten from Lahore to say that he had succeeded in persuading Jinnah to cancel orders given the previous night for Pakistan troops to be moved into Kashmir. The order had reached General Gracey, the acting Pakistan Commandar-in-Chief in the temporary absence of General Messervy, through the Military Secretary of the Governor of the West Punjab, with whom Jinnah was staying. Gracey replied that he was not prepared to issue any such instructions without the approval of the Supreme Commander (Auchinleck). At Gracey’s urgent request, Auchinleck flew to Lahore this morning and explained to Jinnah that an act of invasion would involve automatically and immediately the withdrawal of every British officer serving with the newly formed Pakistan Army.”

17. On the same day, Campbell-Johnson also noted in his diary, a conversation between Mountbatten and the editor of *The Statesman* of Calcutta:

“Jinnah at Abbottabad, he (Lord Mountbatten) continued, had been expecting to ride in triumph into Kashmir. He had been frustrated.”

18. The arrival of the Indian army on October 27 and the spirit of resistance shown by the people in the Valley of Kashmir turned the tide of war. The units of the Indian Army arrived just in time to save Srinagar, from sharing the

fate of Mirpur, Poonch, Kotli, Jhangar, Nowshera, Bhimber and Baramula.

19. It was only when the Indian Army had entered Kashmir that the scale and extent of Pakistan's participation in the aggression became known to India. The invaders were using Pakistan's territory as base for military operations and the Pakistanis were training and guiding them. Pakistan was supplying stores, military equipment and transport. Pakistani nationals and members of its armed forces were found amongst invaders.

20. The Government of India repeatedly requested the Government of Pakistan to deny facilities to the invaders but there was no response.

21. On December 22, 1947, the Prime Minister of India personally handed over to the Prime Minister of Pakistan a letter in which the details of the aid and assistance which the raiders had been receiving from Pakistan were recited. The letter formally asked the Government of Pakistan to deny to the raiders:

- (i) access to the use of Pakistan territory for operations against Kashmir;
- (ii) all military and other supplies;
- (iii) all other kinds of aid that might tend to prolong the present struggle."

22. No reply was received to this letter. On December 26, 1947, the Prime Minister of India requested for a very early reply to it. Pakistan, however, remained silent.

23. India had to make a most difficult decision. Pakistan was carrying on an undeclared war in Kashmir. All along the Pakistan-Kashmir border, there were a large number of bases where invaders were being collected and from where supplies and services to them were being organised. In these circumstances, India would have been perfectly justified in attacking the bases and rendering them ineffective; but in her anxiety not to aggravate Indo-Pakistan relations, India deliberately disregarded the dictates of military necessity and decided to refer the Kashmir dispute to the Security Council in the legitimate hope that the

United Nations would bring to bear the weight of world public opinion upon Pakistan and prevail upon it to discontinue its aggression in Kashmir.

24. On December 31, 1947, the Prime Minister of India informed the Prime Minister of Pakistan that India had decided to refer the Kashmir question to the Security Council and to request the Council to ask the Government of Pakistan:

- (i) to prevent Pakistan Government personnel, military and civil, participating in or assisting the invasion of Jammu and Kashmir State;
- (ii) to call upon other Pakistan nationals to desist from taking any part in the fighting in Jammu and Kashmir State;
- (iii) to deny to the invaders:
  - (a) access to and use of its territory for operations against Kashmir;
  - (b) military and other supplies;
  - (c) all other kinds of aid that might tend to prolong the present struggle.

## BASIC ISSUES

Any consideration of the Kashmir problem must take into account the basic issues involved. These issues are:

- (A) Had Pakistan, in fact, committed aggression as alleged by India in her complaint to the Security Council?
- (B) Whether the accession of the State of Jammu and Kashmir to India was valid in law.
- (C) Whether India's position on the question of plebiscite has remained consistent with the pledges given at the time of acceptance of the State's accession, and with the resolution adopted by the U.N. Commission on India and Pakistan.

These issues are dealt with briefly in the succeeding paragraphs.

### (A) *Pakistan's Aggression*

In the whole history of the Kashmir conflict, there is perhaps no other fact more clearly established than Pakistan's aggression in Kashmir.

Pakistan was an aggressor, and the violations of international law it committed were not mitigated by constant protestations of innocence. One such instance of Pakistan's lack of candour is contained in the document filed by Pakistan in the Security Council in reply to India's complaint. The following extract is of interest:

“.....The Pakistan Government emphatically repudiate the charges that they have supplied military equipment, transport and supplies to the invaders or that Pakistan officers are training, guiding and otherwise helping them.”

29. Persistent denials by Pakistan may have temporarily

misled the unsuspecting and the unwary; but once the U.N. Commission arrived on the sub-continent of India, the facts could no longer be concealed. In July 1948, the Foreign Minister of Pakistan finally had to admit before the Commission that the Pakistan Army was fighting in Kashmir.

30. On August 13, 1948, the U.N. Commission in its resolution of that date at last recognised the falsity of Pakistan's denials. The following is the relevant extract from the resolution:

"As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State."

31. The U.N. Commission's verdict was further upheld by Sir Owen Dixon on September 5, 1950. He reached the following conclusion:

".....When the frontier of the State of Jammu and Kashmir was crossed.....by the hostile elements, it was contrary to international law and when in May 1948 units of the regular Pakistan forces moved into the territory of the State, that too was inconsistent with international law."

32. On November 2, 1947, referring to the invasion of Kashmir, the Prime Minister of India had asked a simple question: "Is this not a violation of International Law?" It took three years to get an answer to the question. And the answer was in the affirmative.

33. India's complaint has thus been proved to be true in every material particular.

34. Revealing disclosures about Pakistan's aggression were made in March 1949, by the Premier of the North-West Frontier Province of Pakistan and by the Khan of Mamdot. In his budget speech to the Legislative Assembly of the Frontier Province on March 7, 1949, Premier Abdul

Qayyum Khan advocated a special grant for the tribesmen and justified such an allotment in these words:

“The House will recall with pride the fact that in our greatest hour of danger the Masuds responded to our call by rushing to the rescue of the oppressed Muslims of Jammu and Kashmir State.”

35. In the summer of 1952, the Khan of Mamdot claimed from the Pakistan Government a sum of Rs. 68,000 which, he asserted, as Chief Minister of Punjab at the time, he spent out of his own pocket to facilitate the tribesmen's invasion!

36. Throughout this unfortunate conflict on Kashmir, India has always urged that due consideration be given to the established fact of Pakistan's aggression. It is because this has been ignored that no way for a settlement has thus far been found.

*(B) Kashmir's Accession*

37. In a memorandum (dated May 22, 1946) on 'States Treaties and Paramountcy' presented by the U.K. Cabinet Delegation to the Chancellor of the Chamber of Princes in India, the question of the future of the Princely States was considered as follows:

“When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered

by the States to the paramount power will return to the States. Political arrangements between the States, on the one side, and the British Crown and British India, on the other, will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular arrangements with it or them."

38. The legal provision under which the Princely States could enter into a "federal relationship with the successor Government or Governments in British India" was to be found in the Indian Independence Act of 1947 and the India Act of 1935. These two Acts of British Parliament which created the legal basis for Indian and Pakistani Independence provided that a State could accede to the Dominion of India or Pakistan by an Instrument of Accession executed by the ruler thereof. This legal position was affirmed on several occasions by the late Mr. Mohammad Ali Jinnah who was the architect of Pakistan and was its first Governor-General. On June 17, 1947, he had declared:

"Constitutionally and legally the Indian States will be independent sovereign States on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like. It is open to them to join the Hindustan (Indian) Constituent Assembly or the Pakistan Constituent Assembly, or decide to remain independent."

A fortnight before Partition, on July 31, 1947 Mr. Jinnah declared again:

"They are...free to join either of the two Dominions or to remain independent."

39. The Accession of the State of Jammu and Kashmir became complete and final by the execution of the instrument of Accession by the Ruler, and on its acceptance by

the Governor-General of India. It was on this very basis that the accession of more than 500 States took place.

40. If the Ruler of Kashmir had executed the Instrument of Accession in favour of Pakistan, no one in India or in Pakistan would have called into question such an accession. This was perfectly well understood at the time. In a speech made on June 29, 1948, at the Imperial Institute in London, Lord Mountbatten clearly affirmed this position. He stated:

“. . . Had he (Ruler of Kashmir) acceded to Pakistan before August 14, 1947, the future Government of India had allowed him to give His Highness an assurance that no objection whatsoever would be raised by them. Had His Highness acceded to India before August 14, Pakistan did not then exist and therefore could not have interfered.”

41. At no time during the debates and discussions in the Security Council was the legality of accession of Kashmir to India ever called into question. The resolutions adopted by the U.N. Commission on India and Pakistan on August 13, 1948, and January 5, 1949, were, in fact, predicated on the assumption that the accession was perfectly legal.

42. In the resolution of August 13, 1948, Pakistan was required to withdraw its army, tribesmen and its nationals who went there for fighting; this provision was, obviously, made because Pakistan had no legal status in Jammu and Kashmir. Furthermore, the right of India to maintain forces in Jammu and Kashmir for the purpose of defence and for assisting the local authorities in the observance of law and order was clearly recognised. Again, in the resolution of January 5, 1949, the proposed Plebiscite Administrator was to be appointed by the Jammu and Kashmir Government from whom he was to derive the powers necessary for organising and conducting the plebiscite, and to whom, along with the Security Council, he was to submit the result of the plebiscite. In addition, the right of the

Indian Army to defend the State was affirmed in clear and specific terms. All these facts clearly establish that the accession of the State of Jammu and Kashmir to India was legally valid and is beyond question.

(C) *Kashmir and Plebiscite*

43. Any impartial examination of India's conduct on the question of ascertaining the wishes of the people of Kashmir would lead to only one conclusion, *viz.*, that India's position has throughout been consistent with the promise it unilaterally made to ascertain the wishes of the people.

44. Reference must, first, be made to the actual terms in which India made the unilateral offer to ascertain the wishes of the people. The Governor-General of India, in a letter dated October 27, 1947, to the Ruler of Kashmir, made the following statement:

"...It is my Government's (India's) wish that *as soon as* law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State's accession should be settled by a reference to the people."

45. It should be noted that the offer was made unilaterally; secondly, it was not made to Pakistan; indeed, Pakistan was, at that time, engaged in a brutal aggression and could hardly be entitled to any such offer; thirdly, the unilateral offer did not form part of the Instrument of Accession which was unqualified and complete. Consequently, Pakistan could not acquire any right to make any claims on its basis. It should, further, be noted that India's offer to seek the will of the Kashmiri people on the accession issue was to be implemented *only after* the expulsion of the invaders from the State of Jammu and Kashmir and the restoration of law and order there.

46. It will be recalled that from the very beginning of the invasion of Kashmir, India had repeatedly appealed to Pakistan to assist in effecting the withdrawal of the invading force. This appeal was met with scorn and contempt. Pakistan, as we have already noted, denied all responsibility

for the invasion. India then appealed to the Security Council. While the matter was being debated there, Pakistan despatched its regular armies into Kashmir. How, in these circumstances, can India be expected to ascertain the wishes of the people of the States as a whole?

47. The U.N. Commission recognised the difficulties which Pakistan had created by sending its regular armies into Kashmir.

48. In a resolution which the Commission adopted on August 13, 1948, it provided for:

- (a) the establishment of a cease-fire;
- (b) a truce agreement;
- (c) the Governments of India and Pakistan to enter into consultations with the Commission to create such conditions whereby free expression of the wishes of the people of Kashmir could be secured.

49. So far, only the provision in the resolution dealing with the cease-fire agreement has been put into effect. The provisions in regard to the Truce Agreement have been systematically set at naught by Pakistan. One has only to quote the relevant portion of the resolution to realise the correctness of this statement.

50. In its resolution of August 13, 1948, the Commission provided as follows:

“A 1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.”

51. The Government of Pakistan has, to this day, done nothing towards the fulfilment of this very first and primary obligation. On the contrary, they have systematically reinforced their military position within the occupied portion of the State territory. It is, therefore, unrealistic to talk about India's obligations in regard to ascertaining the

wishes of the people of Kashmir without also taking into account the fact that it is Pakistan which has for the last eight years made the performance of these obligations utterly impossible.

52. The failure to withdraw its troops from the State of Jammu and Kashmir is not the only impediment put by Pakistan in the path of peaceful settlement of the Kashmir conflict. Another, and more serious obstruction, has come from its determined effort to organise the so-called Azad Kashmir forces into a disciplined force with the necessary administrative and ancillary units commanded and led by Pakistani officers.

53. When the U.N. Commission adopted the resolution dated August 13, 1948, it had, apparently, proceeded on the assumption that the Azad Kashmir forces were a mere rabble. India even then had insisted on their being completely disarmed and disbanded. In 1949, however, the Commission discovered the full meaning and significance of India's demand. According to the Military Advisers of the Commission these "Azad" forces constituted a formidable force. In its third report, the Commission reported as follows:

"Although it might be a matter of discussion whether the numerical strength of the Azad Kashmir forces has actually increased since August 1948, there is no question that those forces who have since been working in close co-operation with the Pakistan regular army and officered by that army have increased their fighting strength. It is reasonable to suppose that if the Commission had been able to foresee that the cease-fire period would be prolonged throughout the greater part of 1949 and Pakistan would use that period to consolidate its position in the Azad territory, the Commission would have dealt with this question in Part II of the resolution of 13th August."

54. Here was militarisation with vengeance instead of

demilitarisation. Faced with the increase in the fighting strength, and more than that, the consolidation of its position by Pakistan, India, naturally, insisted upon *complete*, as distinguished from the large-scale, disarmament and disbandment of Azad Kashmir forces. Obviously, the Pakistan Army, after its withdrawal from the State, could not be allowed to leave another fighting force in the shape of the Azad Kashmir forces. The withdrawal of the Pakistan Army had to be complete and absolute. This cannot be brought about if a part of the Pakistan forces, the so-called Azad Kashmir Army, were to be maintained intact and left behind.

55. It may be noted that the clandestine building up of these forces of Pakistan disguised as Azad Kashmir forces was contrary to the terms of the August 13 Resolution which had specifically called upon the High Commands of India and Pakistan to "refrain from taking any measures that might augment the military potential of the forces under their control ..... (including) all forces organised and unorganised, fighting or participating in hostilities on their respective side."

56. Pakistan has, obviously, no intention to undo her aggression in Kashmir. This is all too evident from the entire course of its conduct during the last three years. Its membership of military alliances and its military aid agreement have only one meaning for India, namely, that Pakistan wishes to reinforce its occupation of Kashmir and to seek a solution of the Kashmir conflict by means of military and political pressure. The Government and people of India could not, obviously, be expected to look upon these actions of Pakistan as symbolising its peaceful intentions.

57. It will thus be seen that the question of ascertaining the wishes of the people of Kashmir is by no means a simple question. Pakistan must, first of all, do everything to vacate the territory which it has forcibly occupied as a result of its aggression. It must also give effect to the resolutions adopted by the U.N. Commission on August 13, 1948 and January 5, 1949. It is equally necessary for

Pakistan to completely disband and disarm the large forces which it has built up and which it disguises under the name of Azad Kashmir forces.

## KASHMIR AND RELIGION

58. There is nothing more destructive to a true understanding of the Kashmir problem than attempts to reduce it into religious terms. A dramatic incident reported by Margaret Bourke-White\* in her vivid account of the tribal invasion of Kashmir would illustrate the fallacy of the argument advanced by Pakistan that simply because the majority of the people of Kashmir profess Islamic faith, they must, inevitably, become part of Pakistan:

"In Baramula the towns people told me of a young Muslim shopkeeper who had sacrificed his life rather than recant in his creed of religious tolerance. His martyrdom had taken place almost under the shadow of the convent walls, and in the memory of the devoted Kashmiris he was fast assuming the stature of a saint.

When the tribesmen invaded Kashmir and terrorised the countryside, Sherwani, who knew every footpath in the Valley, began working behind the lines, keeping up the morale of the besieged villagers, urging them to resist and to stick together regardless of whether they were Hindus, Sikhs or Muslims, assuring them that, help from the Indian Army and People's Militia was on the way. Three times by skillfully planted rumours he decoyed bands of tribesmen and got them surrounded and captured by the Indian Infantry. But the fourth time he was captured himself.

The tribesmen took Sherwani to the stoop of a little apple shop in the town square in front of them

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*Half way to freedom* by Margaret Bourke-White,

with the butts of rifles. Knowing Sherwani's popularity with the people, his captors ordered him to make a public announcement that joining Pakistan was the best solution for Muslims. When he refused, he was lashed to the porch posts with ropes, his arms spread out in the shape of a cross, and he was told he must shout, 'Pakistan Zindabad: Sher-e-Kashmir Murdabad.'

It was a curious thing that the tribesmen did next. I don't know why these savage nomads should have thought of such a thing, unless the sight of the sacred figures in St. Joseph's Chapel on the hill just above had suggested it to them. They drove nails through the palms of Sherwani's hands. On his forehead they pressed a jagged piece of tin and wrote on it: 'The punishment of a traitor is death.'

Once more Sherwani cried out, 'Victory to Hindu-Muslim unity,' and fourteen tribesmen shot bullets into his body."

59. The martyrdom of Sherwani at the hands of his co-religionist throws into sharp relief the inner meaning of the conflict in Kashmir.

60. For more than half a century, the people of India had struggled for emancipation of their country from foreign domination. Hindus, Muslims, Christians, Sikhs and Parsis—all made sacrifices for this great cause. People from all parts of India joined in the great movement, which developed into a powerful force under Mahatma Gandhi's leadership. All over Asia and Europe it evoked sympathy and support. The movement aimed at not merely freeing India from British domination but also building a united, independent and democratic India. Against it stood many sectarian, religious, feudal and other vested interests. The Muslim League represented one of these. It set itself up against the main stream of Indian nationalism, endeavouring to sow disruption and discord by inciting religious hatred. The Muslim League provided a counterpoise to the growing national

movement and as such it received encouragement and support from various quarters. But the national movement grew in strength.

61. At the end of the last war, it became clear that India could no longer be held in thraldom.

62. Realising that Britain could no longer rule India and that the Indian national movement was on the eve of its final victory, the League intensified its activities and caused tremendous strife. It was aided in this by its Hindu counterpart in the Mahasabha, the Jan Sangh and others. The Indian national movement fought against both. It was in this context that the British Government announced its Partition Plan on June 3, 1947. And on August 15, 1947, the partition was effected.

63. The dividing line of partition was not a religious one. It was political, despite the religious colouring which Pakistan endeavoured to give to it. India was partitioned between composite Indian nationalism, on the one hand, and reactionary political sectarianism, on the other. India accepted the partition as it provided the only peaceful means of attaining freedom.

64. Acceptance of the partition as a political necessity did not mean that India also accepted the entire ideological facade which the Muslim League had created for its own purposes. Such an acceptance would have struck at the very foundations on which India was endeavouring to build the entire structure of her newly won freedom.

65. Speaking at a Press Conference on November 16, 1949, the Prime Minister of India stated:

“One .... misunderstanding, not only in the U.S. but also in other parts of the world was that the partition of India was viewed as if the Muslims and non-Muslims of India had been completely separated on a religious basis, that is to say, as an outcome of the old Muslim League’s or Mr. Jinnah’s theory of two nations. So far as we are concerned, we never accepted the theory; we repudiated it throughout.”

66. The reason why India repudiates Pakistan's entirely novel concept of nationality is simple enough: Indian Constitution is democratic and not theocratic. Even after partition India has over 40 million Muslims as against Pakistan's 60 millions. These Muslim citizens of India enjoy complete equality with the other citizens. They occupy an important position in the public life of the country and in the judicial, executive and diplomatic services of India.

67. In tragic contrast is the position of the bare ten million Hindus left in the Islamic theocracy of Pakistan.

68. If one examines the Kashmir conflict in the light of history, it becomes clear why India cannot recognise Pakistan as the selfstyled Protector of Islam; consequently too, India cannot accept the argument that merely because three million people of Kashmir are Muslim, the State must be annexed to Pakistan. India with her 40 million Muslim citizens is quite capable of ensuring the well-being and economic, social, and cultural progress of the people of Kashmir.

69. In the ultimate analysis, the well-being of people is not determined by mere religious affinity between the Government and the people. This is amply borne out by what is going on in the Pakistan-occupied Kashmir where people live a life of frustration without any inspiration of social and economic progress, constantly being imposed upon by non-Kashmiri people, and lacking even in the most elementary forms of democracy. Personal intrigue and rivalry alone determine the political life of the territory.

70. The Jammu and Kashmir State of the Indian Union is governed by the duly elected representatives of the people just as West Bengal or Andhra or Bihar is governed by its own people. All who have visited Kashmir, and last year 50,000 people visited the State, have testified to the remarkable progress made by the people of the State in every sphere of life. It cannot be to anybody's advantage to disturb this peace, progress and stability. The Muslim citizens in India, as indeed the Government and people of India, look upon Kashmir as a symbol of their hopes and

aspirations for a way of life which is above religious strife and intolerance.

## INDIA AND KASHMIR

Apart from the fact that the partition of India was not effected on the basis of religion, it applied only to what was known as British India. The Indian Princely States were specifically excluded from it. To this effect the British Government made an announcement simultaneously with the announcement of the partition scheme on June 3, 1947. The following is the text of the announcement:

"His Majesty's Government wish to make it clear that the decisions announced above (about partition) relate only to British India and that their policy towards the Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains quite unchanged."

72. Pakistan cannot invoke the partition scheme in aid of its claim to Kashmir. And as has been stated already, India cannot accept Pakistan's claim to Kashmir on the basis of religion.

73. The factor of geographical contiguity does not give Pakistan any special claim to Kashmir; for India is in equal proximity to the State.

74. As regards economic relations, nearly 80 per cent of Kashmir's imports come from the present-day India and a similar percentage of her exports found their market in India. As for tourists who constitute the most important source of revenue for the State. India contributed an overwhelming number of them. This should not cause surprise if one only compared the size and resources of India with those of Pakistan.

75. Another argument which Pakistan advances in support of her claim to Kashmir is that since the sources of the three most important rivers in West Pakistan

are situated in Kashmir, Pakistan cannot feel a sense of security until she acquires control over them.

76. If the argument is taken seriously it has absurd implications. For, on this basis, Pakistan could lay claim to Indian territory where the sources of all the rivers, except one, which flow into the most populous region of Pakistan, *viz.*, East Pakistan, are situated. During the last eight years rivers in East and West Pakistan have continued to flow without any interruption. In other parts of the world too, States do not always control the sources of the rivers which constitute their life-blood.

77. India's rebuttal of Pakistan's claim to Kashmir on geographic, economic and other considerations does not mean that its own relationship with Kashmir is based on these considerations. India and Kashmir are bound together by common suffering in the struggle for political and economic freedom.

78. The Prime Minister of India in a speech in Parliament on March 5, 1948, described how the people of Kashmir and India shared in the common struggle:

"Those people, men and women of Kashmir, who are with us and who are fighting for their freedom and liberty there, they are not newcomers in the struggle for freedom; for the greater part of a generation, they have fought for freedom of Kashmir, in Kashmir; they have suffered for it and some of us have deemed it a privilege to be associated with them in this fight for the freedom of Kashmir against autocratic rule. These people are with us today. Who are their opponents, who are against them in Kashmir or elsewhere? What has been their record in the past ten, twenty years in regard to the freedom of Kashmir? It is an interesting speculation and an interesting enquiry, because these gentlemen who talk about the autocracy of the Ruler of Kashmir, who talk about autocracy there, what did they do during these

last ten, twenty years? They never fought for the freedom of the people of Kashmir; most of them supported that autocracy; most of them opposed the freedom movement in Kashmir. Now, because of entirely different reasons, they have become the champions of the freedom of Kashmir. And what is the type of freedom they have brought into Kashmir to-day? The freedom so-called that they have brought into Kashmir is the license to loot and murder and burn that lovely country and to abduct and carry away the beautiful women of the Jammu and Kashmir State; and not only carry them away, but place some of them in the open market-place for sale! So let us have this background before us when we consider this Kashmir story.”

## CONCLUSION

79. Whichever way one views the history of the Jammu and Kashmir State during the last eight years, there are only two basic approaches to the solution of the problem: one is obviously based on legal, and constitutional realities; and the other on practical considerations. The Government of India is prepared to consider the problem in either terms.

80. Legally and constitutionally the State of Jammu and Kashmir is part of the Indian Union. Pakistan had committed an act of wanton aggression against the Indian Union. The Government of Pakistan must undo that aggression, and vacate all the territories occupied by them before steps could be taken to ascertain the wishes of the people of the entire State. In any arrangements to be made for this purpose, Pakistan cannot obviously have any *locus standi*.

81. The U.N. Commission on India and Pakistan accepted this position on August 25, 1948. The Commission confirmed that "should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organisation and conduct of the plebiscite or in any other matter of internal administration in the State".\*

82. Nearly nine years have gone by since Pakistan invaded Kashmir. During these long years, the people of Kashmir could not remain in a state of suspense, awaiting Pakistan's withdrawal from the occupied territories. The accession of Kashmir to India and the establishment of popular rule in the State created the necessary conditions, for the first time in Kashmir's history, for the people to

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\*See Appendix III.

develop their economy by harnessing the resources of the State. The Government of India placed at the disposal of the State resources as well as technical skill. As a result of this, the Government of Kashmir led by the National Conference succeeded in putting into effect large development projects. Considerable and rapid progress has been made in the State in all branches of national economy. Education, public health, rural development, etc., have considerably expanded.

83. If the Kashmir problem is approached from a practical standpoint, one must take into account all the changes that have taken place in Kashmir which is divided by the cease-fire line. The cease-fire line has been the only achievement to the credit of the U.N., on the one hand, and India and Pakistan, on the other. If this line is to be obliterated, it should be done in the interest of achieving something better than what at present exists. Certainties and the stability of today should not be sacrificed.

84. There is not much point in taking a step which, as the Prime Minister of India urged in Parliament on March 29, 1956, "would be disruptive, which would upset things which had settled down and which might lead to migration of people this way or that way and which further, if that happened, would again lead to conflict with Pakistan which (India) wanted to avoid; because, while we were desirous of settling this Kashmir problem with Pakistan, there would be no settlement of the Kashmir problem if that itself—the manner of settling itself, would lead to conflict with Pakistan. This is an important consideration; because, as things settle down, any step which might have been logical some years back becomes more and more difficult, means uprooting of things that have been fixed—legally, constitutionally and practically."

## APPENDIX I

Resolution of the Commission of August 13, 1948:

The United Nations Commission for India and Pakistan, having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir, and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation,

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

### PART I

#### *Cease-fire order*

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

## PART II

### *Truce Agreement*

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

#### A

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

#### B

1. When the Commission shall have notified the

Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to being to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

## C

1. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission will be made public.

## PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

## APPENDIX II

Resolution of the Commission of January 5, 1949:

The United Nations Commission for India and Pakistan, having received from the Governments of India and Pakistan, in communications dated 23rd December and 25th December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948:

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of August 13, 1948 have been carried out and arrangements for the plebiscite have been completed;
3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.  
(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.  
(c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.
4. (a) After implementation of Parts I and II of the Commission's resolution of August 13, 1948, and when the Commission is satisfied that peaceful conditions have been

restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A.2 of Part II of the resolution of August 13, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commission shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since August 15, 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be

freedom of the press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's resolution of August 13, 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of January 1, 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of August 13, 1948; and

Resolves to return in the immediate future to the Sub-continent to discharge the responsibilities imposed upon it by the resolution of August 13, 1948 and by the foregoing principles.

### APPENDIX III

LETTER FROM THE PRIME MINISTER OF INDIA IN REPLY  
TO THE COMMISSION'S RESOLUTION OF AUGUST 13  
1948

NEW DELHI  
*August 20, 1948.*

EXCELLENCY,

On the 17th of August, my colleague, the Minister without Portfolio, and I discussed with you and your colleagues of the Commission now in Delhi the resolution which you had presented to us on the 14th instant. On the 18th, I had another discussion with you, in the course of which I tried to explain to you the doubts and difficulties which members of my Government, and representatives of the Government of Kashmir whom we consulted, had felt as the result of a preliminary but careful examination of the Commission's proposals.

2. During the several conferences that we had with the Commission when it first came to Delhi, we placed before it what we considered the basic fact of the situation which had led to the conflict in Kashmir. This fact was the unwarranted aggression, at first indirect and subsequently direct, of the Pakistan Government on Indian Dominion territory in Kashmir. The Pakistan Government denied this although it was common knowledge. In recent months, very large forces of the Pakistan regular army have further entered Indian Union territory in Kashmir and opposed the Indian Army which was sent there for the defence of the State. This, we understand now, is admitted by the Pakistan Government, and yet there has been at no time any intimation to the Government of India by the Pakistan Government of this invasion. Indeed, there has been a

continual denial and the Pakistan Government have evaded answering repeated inquiries from the Government of India.

In accordance with the resolution of the Security Council of the United Nations adopted on the 17th January, 1948, the Pakistan Government should have informed the Council immediately of any material change in the situation while the matter continued to be under the consideration of the Council. The invasion of the State by large forces of the regular Pakistan Army was a very material change in the situation, and yet no information of this was given so far as we know to the Security Council.

The Commission will appreciate that this conduct of the Pakistan Government is not only opposed to all moral codes as well as international law and usage, but has also created a very grave situation. It is only the earnest desire of my Government to avoid any extension of the field of conflict and to restore peace, that has led us to refrain from taking any action to meet the new situation that was created by this further intrusion of Pakistan armies into Jammu and Kashmir State. The presence of the Commission in India has naturally led us to hope that any arrangement sponsored by it would deal effectively with the present situation and prevent any recurrence of aggression.

3. Since our meeting of the 18th August, we have given the Commission's resolution our most earnest thought. There are many parts of it, which we should have preferred to be otherwise and more in keeping with the fundamental facts of the situation, especially the flagrant aggression of the Pakistan Government on Indian Union territory. We recognise, however, that if a successful effort is to be made to create satisfactory conditions for a solution of the Kashmir problem without further bloodshed, we should concentrate on certain essentials only at present and seek safeguards in regard to them. It was in this spirit that I placed the following considerations before Your Excellency:

- (1) That paragraph A. 3 of Part II of the resolution should not be interpreted, or applied in

practice, so as

- (a) to bring into question the sovereignty of the Jammu and Kashmir Government over the portion of their territory evacuated by Pakistan troops,
- (b) to afford any recognition of the so-called "Azad Kashmir Government", or
- (c) to enable this territory to be consolidated in any way during the period of truce to the disadvantage of the State.

(2) That from our point of view the effective insurance of the security of the State against external aggression, from which Kashmir has suffered so much during the last ten months, was of the most vital significance and no less important than the observance of internal law and order and that, therefore, the withdrawal of Indian troops and the strength of Indian forces maintained in Kashmir should be conditioned by this overriding factor. Thus at any time the strength of the Indian forces maintained in Kashmir should be sufficient to ensure security against any form of external aggression as well as internal disorder.

(3) That as regards Part III, should it be decided to seek a solution of the future of the State by means of a plebiscite, Pakistan should have no part in the organisation and conduct of the plebiscite or in any other matter of internal administration in the State.

4. If I understood you correctly, A. 3 of Part II of the resolution does not envisage the creation of any of the conditions to which we have objected in paragraph 3(1) of this letter. In fact, you made it clear that the Commission was not competent to recognize the sovereignty of any authority over the evacuated areas other than that of the Jammu and Kashmir Government.

As regards paragraph 3(2), the paramount need for

security is recognised by the Commission, and the time when the withdrawal of Indian forces from the State is to begin, the stages in which it is to be carried out and the strength of Indian forces to be retained in the State, are matters for settlement between the Commission and the Government of India.

Finally, you agreed that Part III, as formulated, does not in any way recognize the right of Pakistan to have any part in a plebiscite.

5. In view of this clarification, my Government, animated by a sincere desire to promote the cause of peace, and thus to uphold the principles and prestige of the United Nations, have decided to accept the resolution.

Accept, Excellency, the assurance of my highest consideration.

REPLY FROM THE CHAIRMAN OF THE COMMISSION TO THE LETTER FROM THE PRIME MINISTER OF INDIA DATED AUGUST 20, 1948.

NEW DELHI,  
August 25, 1948.

EXCELLENCY,

I have the honour to acknowledge the receipt of your communication dated August 20, 1948, regarding the terms of the Resolution of the United Nations Commission for India and Pakistan which the Commission presented to you on the 14th of August 1948.

The Commission requests me to convey to Your Excellency its view that the interpretation of the Resolution as expressed in paragraph 4 of your letter coincides with its own interpretation, it being understood that as regards point (1) (c) the local people of the evacuated territory will have freedom of legitimate political activity. In this connection, the term "evacuated territory" refers to those territories in the State of Jammu and Kashmir which are at present under the effective control of the Pakistan High Command.

The Commission wishes me to express to Your Excellency its sincere satisfaction that the Government of India

has accepted the Resolution and appreciates the spirit in which this decision has been taken.

I wish to avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.



